made a party to the record, and notice is specially contemplated by the decree, although none has been given.

Your petitioner further alleges upon belief, that said Mortgage and the debt thereby intended to be secured, is fraudulent, and that he is now prepared to bring into this Court the amount claimed to be due to await the further decision and order of the Court in the premises - Your Petitioner further shows that a pretended sale of said property has been made, by the Trustee, and the tenant in possession Mr Wagner is the pretended purchaser, and your petitioner alleges that he believes, the said pretended sale to be collusive, and fraudulent, and that said purchaser is in fact the Agent of the Complainant aforesaid - that the said property has not been sold for half its value. Wherefore your petitioner prays that said decree may be opened, and the merits of the Case examined and if the Court thinks proper, the said Kaufman may be ordered to bring the amount of the Mortgage debt into Court to await the final adjudication of the matter. And as in duty &c -

Benj. C. Barroll. Sol. for Kaufman.

Which being read and heard, the Court thereupon passed and filed in said cause, the following order, setting down said petition for hearing, as follows, to wit;

The matter of this Petition is set down for hearing on the 23d April inst. provided a Copy of the Petition, and of this order be served on the said Emily S. Walker, the Complainant, and Mr Wagner, the purchaser, on or before the 20th inst;

April 18th 1853 Wm Frick.

And afterwards, to wit; on the nineteenth day of April, in the year aforesaid, the said Trustee filed in said Cause, the following Report of sales, to wit;

Emily S. Walker vs. William C. Hanson & Bethia W.E. his wife & Huiano Kauffman.

In the Superior Court of Baltimore City. Sitting as a Court of Equity.

To the Honorable William Frick Judge of the Superior Court of Baltimore City.

The report of Edward Sewal, Trustee appointed by the decree in this cause to make sale of certain real estate therein mentioned, respectfully sheweth.

That after giving bond for the faithful performance of his trust, and giving notice of the time, place, manner and terms of sale as required by the decree, he did on Thursday the fourteenth day of April eighteen hundred and fifty three, at half past 3 O'clock P.M. set up and expose for sale, at Public Auction, on the premises the property in the said proceedings mentioned - At which said sale Louis Wagner became the purchaser thereof he being the highest bidder therefor, at and for the sum of One thousand five hundred and fifty dollars upon the terms prescribed by the said decree, and mentioned in the annexed advertisement, and with which terms the said purchaser has complied.

Edwd. Sewal, Trustee

State of Maryland, City of Baltimore, to wit;

On this nineteenth day of April 1853, before the Subscriber a Justice of the Peace of the State of Maryland in and for the City of Baltimore aforesaid, personally appeared, the within named Edward Sewal Trustee, and made oath that the matters and things stated in the foregoing report, are true to the best of

his knowledge and belief, and that the Sale therein reported was fairly made;

Ph. H. Bayzende.

The annexed advertisement referred to in the foregoing Report is as follows, to wit;

Trustees Sale. By virtue of a decree of the Superior Court of Baltimore City, sitting as a Court of Equity, the undersigned, as trustee will offer for sale at public auction, on the premises, on Thursday the fourteenth day of April next, at half past 3 O'clock P.M. the following property, viz:; All that Lot or parcel of ground, with the improvements thereon, situate on the south side of Lombard Street, in the City of Baltimore, at the distance of three hundred and ninety one feet, or thereabout, westerly from the South west Corner or intersection of Lombard and Leanal Streets, fronting on Lombard Street, about twenty four feet, and extending, back about one hundred feet to the midway between Lombard and Granby Streets. The above Lot is in fee, and is improved on Lombard Street by a good and substantial three story brick Dwelling House, with a Brick back Building.

Terms of Sale: One third cash on the day of sale, the balance in equal payments, at three and six months, with interest from the day of sale: the credit payments to be secured by the notes of the purchaser, with endorsers to be approved by the trustee.

Edwd. Sewal, Trustee.
No. 20 St. Paul Street.

A.C. Mathews Auct.

Whereupon the Court passed and filed in said Cause the following order of ratification nisi, to wit;

In the Superior Court of Baltimore City, sitting as a Court of Equity. 19th April 1853. -

Ordered that the sale made and reported by Edward Sewal Trustee as aforesaid, be ratified and confirmed, unless cause to the contrary thereof be shown, on or before the fourteenth day of May next - provided a copy of this Order be inserted in some paper, printed at Baltimore, once in each of three successive weeks, before the Fourteenth day of May next -

The Report states the amount of Sale to be $1550 -

Test. Edwd. Howling Clk.

And on the same nineteenth day of April, the said Huiano Kauffman by his Solicitor aforesaid, filed in said Cause the following objections, to the ratification of sale, to wit;

Walker vs Hanson & others

In Superior Court. In Equity.

To the Hon. Wm. Frick -

The said Huiano Kaufman, comes into Court and objects to the ratification of the Sale made by the Trustee in this case.

1. — Because no notice was given to the Defendant Kaufman as is provided for by the decree.

2. — Because the affidavit annexed to the claim of the Mortgage debt is not in due form of law, as contemplated by the Act of 1838, Ch. 181.

3. — Because the sale as made is for less than one half the value of the property.

4. — Because the decree and sale has been obtained by surprize, and without notice to the said Kaufman who was ready & willing to pay the Mortgage debt, or so much thereof, as was justly due.