

No. 3048 Equity

State of Maryland Frederick County Jct. At a Circuit Court for the third Judicial Circuit of the State of Maryland, sitting as a Court of Equity, held at the Court House in Frederick Town in and for the County aforesaid on the 30th day of March 1863.

Present The Hon. Madison Nelson Circuit Judge
Michael Zimmerman Esq. Sheriff and
Benjamin G. Fitzhugh Clerk

Among other were the following proceedings to-wit

John M. Kemp } Be it remembered that heretofore to-wit on the 31st day of July 1862 came
the said John M. Kemp in Court here sitting by William J. & Charles W.
William Newton } Sop. Solicitors & filed in Court here the following Bill & Exhibits

Bill

To the Hon. Madison Nelson Circuit Judge for the third Judicial Circuit of the State of Maryland sitting in the Circuit Court for Frederick County as a Court of Equity.

The Bill of Complaint of John M. Kemp of Frederick County State of Maryland, respectfully shows to your Honor that heretofore to-wit on the 5th day of July in the year 1860 a certain William Newton now a resident of Jefferson County State of Virginia was indebted unto your complainant by his single bill of said date for one hundred dollars payable six months after date with interest from date and also by his other single bill dated the seventh day of August in the year 1860 for one hundred dollars payable six months after date with interest from date all of which will more fully appear by reference to said single bills herewith exhibited and marked Exhibits Nos 1 and 2 which together with all other exhibits your Complainant prays may be taken as part of this his bill of Complaint. And to secure the payment of said single bills the said William Newton did on the seventh day of August in the year 1860 execute a mortgage of certain real estate situate and lying in Frederick County State of Maryland and described in said deed of mortgage "as House and Lot No 20 in Knowville Frederick County State of Maryland, and to which said deed of mortgage there is a condition attached" that if I the said William Newton shall pay to the said John M. Kemp the said sums of money with legal interest thereon on or before the 7th day of February 1861 then these presents shall be void" all of which will more fully appear by reference to said deed of mortgage herewith exhibited marked Exhibit No 3. And your Complainant charges that no part of the aforesaid sum of money or the interest accruing thereon has been paid to him although the time limited for payment thereof by the condition aforesaid has passed and payment thereof has been duly demanded of the said William Newton. But the whole of said sum of money and the interest as aforesaid remains due and owing to your Complainant. In the end therefore that the said William Newton may answer the several matters and things hereinbefore stated as fully and particularly as if they were herein again repeated and he was thereunto specially interrogated and that the premises aforesaid may be sold for payment of your Complainant's claim with interest aforesaid and that your Complainant may have such further and other relief as the nature and Equity of his case may require. May it please your Honor to grant unto your Complainant an order of publication giving notice to the said William Newton who is a non resident of the State of Maryland as before stated of the substance and object of this bill and warning him to appear in this Court in person or by Solicitor on or before a certain day to answer the premises and show cause if any he has why a decree ought not to pass as prayed - and as in duty bound &c.

Wm J. & Chas W. Sop. Sols for Compl'ts