

Clerk's Office

You shall truly, faithfully, and without partiality to any or either of the parties in this cause, take, write down, and transcribe, the depositions of all and every the witness and witnesses produced and examined by the Commissioner named in the Commission herunto annexed, as far forth as you are directed and employed by the said Commissioner to take, write down, and transcribe the said depositions, or any of them.

To help you God

Order to
deft to appear
answer

Upton Worthington

N^o 2989 Equity

In the Circuit Court for Frederick County in Equity

Benjamin F. Schwartz

On motion ordered this 22^d day of July, 1861 - that the defendant Benjamin F. Schwartz be allowed to appear in this cause, and to file his answer.

W. Nelson

Answer of
B. F. Schwartz

The answer of Benjamin F. Schwartz of Frederick County, State of Maryland to the Bill of Complaint of Upton Worthington filed in the Circuit Court for Frederick County as a Court of Equity

This defendant for answer to said Bill of Complaint answers and says - That he admits that on the twenty fifth day of November Eighteen hundred and fifty four - he executed his sealed note to Philemon M. Smith Jr four hundred and forty five dollars and seventy one cents, payable six months after date with interest from date, and that Exhibit No. 1 - is the said single Bill -

This defendant further admits that to secure the payment of the said single Bill, he executed the mortgage on his lands in Frederick County a copy of which mortgage is exhibited in said Bill marked Exhibit N^o 2. This defendant further states that on the sixteenth day of August 1856 he paid to said Philemon M. Smith Jr. forty six dollars and five cents as interest, and forty five dollars and seventy seven cents in part payment of principal, which payments are credited on said note marked Exhibit N^o 1. - This defendant further admits that said Philemon M. Smith Jr. on the 16th day of August eighteen hundred and fifty six assigned in writing said single Bill and mortgage to Upton Worthington the complainant as appears by Exhibit N^o 1 and N^o 2. - This defendant further states that since the assignment of said note and mortgage to said Upton Worthington, this defendant on the twelfth day of July eighteen hundred and sixty one, and since the filing of said Bill has paid to the complainant Upton Worthington the sum of one hundred and thirteen dollars and sixty five cents, which is credited by said complainant on said single bill as paid on the day said credit was entered - This defendant further admits that the balance of said note and interest thereon is still due and unpaid, and consents that a decree may be passed for the sale of the said mortgaged premises praying hence to be dismissed with his costs and charges &c.

Witness - James H. Simmons

Benjamin F. Schwartz

Decree

Upton Worthington

N^o 2989 Equity

In the Circuit Court for Frederick County in Equity

Benjamin F. Schwartz

This cause standing ready for hearing and being submitted the proceedings were read and considered. It is thereupon this 22^d day of July in the year Eighteen hundred and sixty one by the Hon Madison Nelson Circuit Judge of the third Judicial District of the State of Maryland sitting in the Circuit Court of Frederick County, as a Court of Equity - and by the authority of said Court, adjudged, ordered and decreed that the mortgaged premises in the proceedings mentioned