

- conveyed by said Rice and wife to Elijah Price, — the said defendant further states that of the land so mortgaged, the said Richard P. Johnson on the tenth day of October Eighteen hundred and sixty conveyed by deed to your respondent one hundred and fifty one acres and thirty one acres of land more or less as appears by Exhibit N^o. 1 filed with the petition of your respondent exhibited in this cause. — Your respondent respectfully submits that according to the principles of Equity he is entitled to have the mortgaged premises still owned by said Richard P. Johnson, sold and applied to the payment of the said mortgaged debt — interest, costs and expenses — and that should there be any deficiency your respondent is entitled to redeem the said lands so conveyed to him from said mortgage and that he is willing to pay any deficiency which may exist after selling such part of the said mortgaged premises as are now held and owned by the said Richard P. Johnson — and he respectfully submits that in any decree which may be passed by your Honor his rights subject to said prior conveyance by mortgage ought to be protected by the Court.

Wm J. Pop, Solicitor
for Worthington Johnson

Decree Edward J. Rice vs Richard P. Johnson & Worthington Johnson } No. 3070, Equity
In the Circuit Court for Frederick County sitting as a Court of Equity
February Term 1863 —

This case being submitted to the Court without argument, the bill exhibits, answers and other proceedings were read and duly considered, and the order of publication heretofore passed in this cause against the non-resident defendant, Richard P. Johnson, having been duly published and the said Richard P. Johnson having failed to appear and answer the bill of Complaint; It is thereupon this eleventh day of May in the year Eighteen hundred and sixty three, by Madison Nelson Judge of the Circuit Court for Frederick County sitting as a Court of Equity and by the authority of the said Court adjudged, ordered and decreed that the bill of Complaint be and the same is hereby taken pro confesso against said Richard Johnson. — and it is further adjudged, ordered and decreed that the mortgaged premises specified and described in the bill and exhibit No. 1 in the be sold as prayed, unless the said Richard P. Johnson or Worthington Johnson shall ever before the 15th day of May next pay or bring into this Court to be paid to the Complainant the said sum of Seventeen hundred and five dollars and forty one and one third cents with legal interest thereon from the nineteenth day of October in the year Eighteen hundred and sixty until paid together with the Complainant's costs of this Suit to be taxed by the Clerk and that Grayson Eichelberger be and he is hereby appointed trustee to make such sale and that the course and manner of his proceedings shall be as follows — he shall first file with the Clerk a bond, payable to the State of Maryland, to be executed by himself with approved security in the penalty of three thousand dollars and conditioned for the faithful discharge of the trust reposed in him by this decree or which may be reposed in him by any future decree or order in the premises — he shall then sell at public sale first that portion of said mortgaged premises not embraced in the deed from said Richard P. Johnson to Worthington Johnson filed as Exhibit No. 1 to the petition of said Worthington Johnson and then, unless the said Worthington Johnson shall within ten days after said sale pay to said trustee such balance of said sum of money hereinbefore decreed to be paid to said Complainant as shall remain unpaid after the application of the proceeds —