Bill & 2 Exhibits

William A Ways
vs
Washington Smith
Jacob G Wood &
Sophia his wife
Ephraim Stultz &
Elizabeth his wife

No 3246 Equity

To the Honorable Madison Nelson Judge of the Circuit Court for Frederick County sitting in Equity.

Humbly complaining sheweth unto your Honor your Orator William A Ways of Frederick County, that on the 8th day of August 1864 William Smith of said County being indebted to your Orator in that Amount, executed and delivered to your Orator his promissory note for the sum of Fifteen Hundred Dollars payable one year after date with interest, which is herewith filed Marked Exhibit No 1, and which with all other Exhibits filed herewith, your Orator prays may be taken and considered as parts of this Bill of Complaint, and that to secure the payment thereof the said William executed the Mortgage on the real estate therein mentioned and described to your Orator, which is herewith filed marked Exhibit No 2, and that no part of said Mortgage debt or interest has been paid, and that the said William Smith died seized and possessed of said real estate, that the said William Smith died intestate in said County on or about the 20th day of July 1865 and that Administration on his personal estate has been duly granted by the Orphans Court of said County, to Washington Smith of said County, and that the said personal Estate is wholly insufficient to pay in full the debts due by the said William Smith at his death, including said Mortgage debt that the said Mortgage debt is due and unpaid as aforesaid, that the said William Smith was unmarried, and that his heirs at law are his brother the said Washington Smith, Sophia, the wife of Jacob G Wood, and Elizabeth the wife of Ephraim Stultz, all of said County and all of full age. — To the end therefore that the said Land and Real Estate in said Mortgage mentioned may be sold for the payment of said Mortgage debt, and that your Orator may have all such further and other relief as in Equity he may be entitled to, May it please your Honors to grant to your Orator subpoenas to be directed to the said Washington Smith, Jacob G. Wood and Sophia his wife, Ephraim Stultz and Elizabeth his wife, Commanding them and each of them on a certain day therein to be named, to be and appear in your Honorable Court then and there to answer the premises and to stand to, abide by, perform and fulfil such order or decree as your Honor may pass in the premises, and he will ever pray &c. —

Wm P Maulsby
Solicitor for Complainants.

No 3246 Equity

Exhibit No 1

$1500 100

Frederick August 8th 1864 —

One year after date I promise to pay to William A. Ways or order, fifteen hundred dollars, for value received, with interest from date payable annually —

William Smith

Test
Thomas M Holtzman —

State of Maryland Frederick County, Sct.

On this 25th day of September A D 1865, before me the subscriber Register of Wills in and for said County, personally appeared William A. Ways, and made oath on the Holy Evangely of Almighty God that the above Note is just and true, and that he has not directly or indirectly received (to his knowledge) any part or parcel of the money charged as due by such note or any security or satisfaction for the same —

Sworn Before

Thos L. McLean
Register of Wills for Frederick County.

Which is thus Endorsed by Orphan's Court
"Will pass when paid"
Test
T L McLean Regr

Exhibit No 2

At the request of William A Ways the following Mortgage was recorded August 8th 1864 Rec'd $1.50 stamp duty — Test Jno H Carty Clk