

of the State of Maryland. In tender consideration whereof, and for that your Orators are reminded in the premises by the strict rules of the Common Law, and relevable only in a Court of Equity where matters of this nature are properly cognizable - To the end therefore that the Fredericktown Savings Institution, William J. Erwin, William Hersperger, Peter Willard and Levi Barwick Sr may answer all and singular the premises, and that said real estate may be sold by a Trustee to be appointed by your Honor, and the proceeds of sale applied under the direction of your Honor to the payment of the unpaid Mortgage Claims according to their respective priority, and that your Orators may have all such other and further relief in the premises as the nature of the case may require, and to your Honor shall seem meet

May it please your Honor to grant unto your Orators an order of Publication giving to Levi Barwick Sr who is a non resident, 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 also a writ of subpoena to be directed to the Fredericktown Savings Institution, William J. Hersperger, Peter Willard and Levi Barwick Sr. of Frederick County and William J. Erwin of Washington County, thereby commanding them and each of them to be and appear before your Honor on a certain day therein to be named to answer all and singular the premises and to stand to, abide and perform such order and Decree therein as to your Honor shall seem meet, and your Orators will ever pray &c

Filed March 23<sup>d</sup> 1866

G Buchelberger  
Sole for Complainant  
April 29<sup>th</sup> 1858

N<sup>o</sup> 3293 Equity

Ninety days after date we or either of us promised to pay Peter Shafer, Treasurer of the Catonsville Savings Institution One Hundred and Fifty Dollars, value received with interest from date

Filed 14<sup>th</sup> September 1865

Levi Barwick, Jr  
W J Erwin  
Wm J Hersperger

At the request of W J Erwin and W J Hersperger the following Mortgage was Recorded October 26<sup>th</sup> 1858.

This Mortgage made this 26<sup>th</sup> day of October in the year Eighteen Hundred and fifty eight, by Levi Barwick Sr Witnesseth, that in consideration of William J. Erwin and William Hersperger's becoming security for said Barwick in "The Fredericktown Savings Institution" for the sum of Five Hundred Dollars, and in the Middletown Savings Institution for the sum of One Hundred and fifty Dollars payable with interest to the said Institutions respectively; the said Levi Barwick Sr doth grant to the said Erwin and Hersperger a certain house and lot lying in the Middletown Frederick County Maryland, and particularly described in a deed from Levi Barwick Sr and wife to the said Levi Barwick Sr and recorded in Liber C. S. N<sup>o</sup> 10 folio 269 &c. one of the Land Records of Frederick County. - Provided that if the said Levi Barwick Sr shall pay the respective sums above mentioned together with the interest accruing thereon at the time when respectively due, then this Mortgage shall be void. - And the said Barwick covenants that he will pay the aforesaid money, and he further covenants that in default of payment, the said Erwin and Hersperger may enter, provided, that until default of payment the said Barwick shall possess the premises, and provided that if default shall be made in the payment of the money aforesaid, or of the interest thereon, at the time or in the manner aforesaid, then it shall be lawful for the said Erwin and Hersperger to sell the said mortgaged premises at Middletown by public Auction for cash, after giving at least three weeks public notice of the time, place, manner and terms of sale, in one or more newspapers published in the County at least twice a week for three successive weeks prior to the day of sale, to pay the debt and the surplus if any over to the said Barwick. - Witness my hand & seal this 26<sup>th</sup> day of October 1858 Levi Barwick

Exhibit N<sup>o</sup> 1

Exhibit N<sup>o</sup> 2

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