

the same still remains due & owing and the time limited by said deed of Mortgage for the payment thereof having passed your Prayers are advised that as assignees of said Mortgage debt & Mortgage they are entitled to have said Mortgage premises sold for the payment of said Mortgage debt that said Peter Boyer in his lifetime executed his last will & testament in due form to his real estate and departed this life without having in any manner mortgaged the same. That in & by said last will & testament they said Peter Boyer amongst other things pulled & directed his executor as soon as possible after his death to sell his real estate at public or private sale to execute to the purchaser good & sufficient deeds for the same in fee simple and appointed Leff J. Boyer & Demas Williard executors of said last will & testament as will fully appear by a true and certified extract of said will herewith filed as Exhibit N^o 3. That said will was duly admitted to probate by the Orphans Court for Frederick's County & letters testamentary thereon granted to said Leff J. Boyer & Demas Williard as will fully appear by the exemplification of said letters herewith filed marked Exhibit N^o 4.

In tender Consideration whereof for that your Prayers are required in the premises by the strict rules of the Common Law and otherwise only in a Court of Equity. Where matters of this nature are properly cognizable. In the eye therefore that the said Leff J. Boyer & Mary C. Boyer his wife John C. Boyer Esq. Boyer & Elizabeth Boyer his wife Henry Boyer Darling Arnold & Mary C. Arnold his wife Cordelia S. Thomas Mary Boyer and Leff J. Boyer & Demas Williard executors as aforesaid. May appear truly as the matters and things aforesaid as fully as if the same were here again repeated and they themselves particularly interjected and that they or some one of them may be decreed to pay said Mortgage debt with legal interest from the 3^d day of October 1860 on or before a short day to be named in said decree and that in default thereof the said Mortgage premises may be decreed to be sold and that your Prayers may have all such other and further relief in the premises as the nature of the case will admit to your Honor shall seem right. May it please your Honor to grant unto your Prayers the State of Maryland Court of Chancery to be directed to the said Leff J. Boyer & Mary C. Boyer his wife John C. Boyer Esq. Boyer & Elizabeth Boyer his wife Henry Boyer Darling Arnold & Mary C. Arnold his wife Cordelia S. Thomas Mary Boyer Leff J. Boyer & Demas Williard executors of Peter Boyer deceased thereby Commanding them to appear before your Honor in your Honorable Court on a day therein to be named to answer all & singular the matters