

Bill

N^o 5370 Equity ~

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

The Bill of Complaint of Simon & Simmons of Frederick County, humbly shows that heretofore to wit, on the Twenty ninth day of May in the year Eighteen hundred and sixty two, a certain Charles N. Marriott then of Frederick County, but now residing elsewhere, beyond the jurisdiction of this Court; being indebted unto your Orator in the sum of Five Hundred Dollars, as will appear by a Copy of promissory note marked and filed as "Exhibit A." and intending to secure the payment thereof unto your Orator, did by his Deed of Mortgage of that date, that is the date aforesaid, convey unto your Orator, all his right title and interest both at law and in Equity, in and to one fourth of a tract or tracts of land, being the one fourth of the land which was allotted to Alpheus W. and Adelia Marriott by Commissioners appointed to divide certain real estate, and which will more fully appear by reference to Copy marked, "Exhibit B" from the record Books of "Direct descents" in the Circuit Court for Frederick County, all the estate lying in Frederick County, and particularly described in said deed herewith filed and marked as Exhibit B, the said Charles N. Marriott being the son, and one of the four heirs at law of Adelia Marriott, the wife of Alpheus W. Marriott, in and to the one fourth of the property described in "Exhibit B," to which deed there is a condition annexed that it be void on payment by the said Charles N. Marriott to your Orator, of the aforesaid sum of money with interest thereon from the 29th day of May in the year Eighteen hundred and sixty two, as by the said Deed filed herewith and marked as "Exhibit C" will more fully appear. ~

And your Orator charges that no part of the aforesaid sum of money or the interest accruing thereon has been paid to him, although the time limited for payment thereof, by the condition aforesaid, has passed. But the whole of said sum of money and interest as aforesaid remains due and owing to your Orator. ~

To the end therefore, that the said Charles N. Marriott may answer the several matters and things herebefore stated, as fully and particularly as if they were herebefore stated and repeated, and he was thereunto specially interrogated and that the premises aforesaid, or so much thereof as may be necessary, may be sold for payment of your Orator's claim, with interest as aforesaid, and that your Orator may have such further or other relief as his case may require. ~

May it please your Honor to grant unto your Orator an order of publication, giving notice to the said Charles N. Marriott, who is a non resident, or elsewhere, beyond the jurisdiction of this Court, as before stated, 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 as on duty and so forth.

M. P. Gallagher

Solicitor for Complainant ~

Exhibit A.

Frederick, May 29th 1862.

Twelve Months after date I promise to pay to Simon & Simmons or order Five hundred dollars for value received with interest from date ~

Filed October 7th 1867

(Copy)

C. N. Marriott

Exhibit B.

Copy from Return of Commissioners under the act to "Direct Descents" in the Estate of Charles Hammond dec'd. as follows ~

We have laid off that part of said Land called "Hammond's Request" into four different divisions, or parcels, designating the same, Eastern and Western