

"B. C. D." & c. which are herewith returned by the Commissioner: And I solemnly a witness of lawful age produced upon the part of the Complainant, being duly sworn and examined to interrogatories filed with the Commissioner and herewith returned, deposes and says. ~

To the 1st Int: That he is acquainted with the parties to this suit; that the Complainant resides in Frederick County Md., and that the Defendant is a non resident of the State of the State of Maryland, and does not reside therein. ~

To the 2nd Int: That he looks at Exhibit "I. C. D." now here shown him; that the signature "Chas. Marriott" thereto attached is in the proper handwriting of the Defendant and was attached and subscribed to said Exhibit in the presence of the Deponent. ~

To the 3rd Int: That there is now due and owing on the Mortgage, described in the Bill, proceedings and Exhibits in this case, the sum of Five hundred dollars, and interest thereon from the 29th day of May A. D. 1862 to the present time, and that no payment of principal or interest has ever been made or received by Complainant, and that the whole amount of the same is still due and unpaid. ~

There being no other witnesses present to be examined, the said Commission was adjourned on the 5th day of March 1868, at which time, and at the place aforesaid, I proceeded to take the following depositions to-wit:

Thomas M. Holbromer, being duly sworn and examined to interrogatories, deposes and says: To the 4th Int: (The 1st, 2nd & 3rd Ints. being waived) That Exhibit D. now here shown him was executed before him as a Justice of the Peace, by Charles H. Marriott the Defendant on the 29th day of May 1862, and the consideration thereof sworn to by said J. C. Simmons. ~

There being no other witnesses present to be examined, and the Complainant requiring no further time for the production of his evidences, the Commissioner closed the said Commission and herewith returns the same under his hand and seal, this seventh day of March A. D. 1868.

Commissioner's fees \$ 12.00
Sheriff Neighbors " 40
T. M. Holbromer " 75
\$ 13.15

Wm B. Nelson
Commissioner

Wm B. Nelson
Commissioner

Filed Mch 9th 1868 ~

Decree

J. C. Simmons vs Charles H. Marriott No. 3370 Equity In the Circuit Court for Frederick County sitting in Equity. ~

The Order of Publication heretofore passed in this cause having been duly published, and the said Defendant having failed to appear and answer. ~

It is therefore this 20th day of April in the year Eighteen hundred and sixty eight by the Circuit Court of Frederick County sitting as a Court of Equity, and by the Authority of this Court, adjudged, ordered, and decreed, that the Bill of Complaint be, and the same is hereby taken pro Confess, as against the non Resident Defendant, Charles H. Marriott, and it is further adjudged, ordered, and decreed, that unless the Defendant shall on or before the 28th day of April pay or bring into Court to be paid to the Complainant the sum of six hundred and seventy six dollars and eighty three cents, with interest from the 20th day of April 1868, until paid or brought in as aforesaid, together with the Complainant's costs of this suit, the mortgaged premises in the proceedings mentioned, or so much thereof as may be necessary, be sold.

That John Simmons of the City of Frederick be and he is hereby appointed Trustee to make such sale; And that the course and manner of his proceeding shall be as follows, He shall first file in the Clerk's Office a bond to the State of Maryland executed by