Bill

John A Smith and Cornelia V. Smith his Wife
vs
Edward S Taney Joseph Culbertson & Sarah Culbertson his Wife

No. 3421 Equity.

In the Circuit Court for Frederick County sitting as a Court of Equity. September Term 1868.

To the Honorable the Judges of the Circuit Court for Frederick County sitting as a Court of Equity

Humbly complaining show unto your Honors, your Orator and Oratrix John A Smith and Cordelia V. Smith his wife of Frederick County in the State of Maryland that heretofore to wit: on the 30th day of January in the year 1858 a certain Joseph Culbertson of said County being indebted unto Edward S Taney of said County & State in the sum of Five Thousand dollars current money, and intending to secure the payment thereof unto the said Edward S Taney did together with the said Sarah his Wife by deed of that date convey unto the said Edward S Taney his heirs and assigns certain Real Estate lying and being in said County and particularly described in said deed to which said deed there is a condition annexed that it be void on the payment by the said Joseph Culbertson to the said Edward S Taney his heirs or assigns of the aforesaid sum of money with interest thereon from the 1st day of April 1858 on or before the 1st day of April 1859 as by a duly certified copy of said deed filed herewith as part of this Bill and marked Exhibit No 1 will more fully and at large appear and your said Orator and Oratrix pray that the said deed as well as all other Exhibits hereinafter Exhibited may be taken as part of this their Bill of Complaint as fully as if herein at large in words and figures set forth. And your said Orator and Oratrix further show unto your Honors that on the 1st day of July 1859 the said Edward S Taney being indebted unto your Oratrix the Cordelia V Smith then and at that time Cornelia V Taney in the sum of Five Thousand dollars did by assignment in writing endorsed on the said deed of Mortgage assign and set over unto your said Oratrix the said Cornelia V Smith then and at that time Cornelia V. Taney the said deed of Mortgage and all the right title and interest which he the said Edward S Taney had and held in and to the same as in and by the said Original deed of Mortgage filed herewith marked Exhibit No 2 reference being thereto had will more fully appear and your said Orator and Oratrix further show that subsequent to the day of the date of said assignment of said deed of Mortgage the said Cornelia V Taney did intermarry with your said Orator the said John A Smith and still is married to him, and your said Orator and Oratrix further show unto your Honors that the said deed of Mortgage was executed by the said Joseph Culbertson and Sarah his wife and delivered to the said Edward S Taney to secure the payment of the purchase money due for the property so Mortgaged And your Orator and Oratrix further show that at the time the said Mortgage was executed by the said Joseph Culbertson and Sarah his wife to secure the purchase money for the premises in the said Mortgage mentioned there was in and affixed to the Factory on the said Mortgaged premises a large amount of valuable machinery necessary and proper for carrying on said Factory as a Woollen Factory that the said Joseph Culbertson of divers times after the date of said Mortgage removed the said