in Liber C. M. No. 9 folios 117 &c one of the Land Records of Frederick County.

(Seal) In testimony whereof I hereunto subscribe my name and affix the seal of the Circuit Court for Frederick County this 24th. day of March A. D. 1874

Filed March 24. 1874. Thomas Gorsuch Clerk.

Subpoena

Maryland Sct

(Seal) The State of Maryland to James O Easterday and Susan E Easterday his wife of Frederick County Greeting, You are hereby commanded that all excuses set aport you personally appear before the Judges of the Circuit Court for Frederick County sitting as a Court of Equity to be held at the Court House in Frederick Town in and for said County on the 2nd Monday of May next to answer the Bill and Complaint of James C Clarke against you in said Court exhibited and so forth.

Hereof fail you not as you will answer the contrary at your peril.

Witness the Honorable Richard J. Bowie Chief Judge of our said Court the 16th day of February 1874, issued the 24th day of March 1874.

To the Sheriff of Frederick County.

Endorsed summons. Thomas Gorsuch Clerk

Thos. H. Willard Shff.

Filed Sept. 11. 1874.

Answer of Defts

James C Clarke vs. James O Easterday & Susan E Easterday his wife

No. 3958 Equity.

In the Circuit Court for Frederick County in Equity.

The answer of James O Easterday and wife to the bill of Complaint filed against them in this cause by James C Clarke respectfully shows unto your Honorable Court that they admit the matters and things charged in the said Bill of Complaint to be true as therein stated but these defendants charge that a decree should not pass as prayed because they say that the said James C Clarke prior to the execution of the Mortgage in in question in this cause agreed with James O Easterday one of your defendants that he said Clarke would furnish the said money and pay for said property take a Mortgage and wait for the payment of the same until a certain suit which was then pending in the Cir-Cuit Court for Frederick County should be determined and your Respondents charge that it was upon this understanding and agreement that the money was furnished by Complainant and accepted by the defendants and your defendants further charge that the said suit has not been determined as yet and will not be prior to the 1st of April A. D. 1875. and these Respondents charge that it will be inequitable and injurious to them to have said Mortgage enforced before the determination of said suit but they are perfectly willing that the said Mortgage shall be enforced when said suit shall be determined according to the tenor of the said agreement and arrangement made by and between the said James C Clark and James O Easterday one of the Defendants

J. E. R. Wood
Solicitor for Defendants.

Filed Nov. 12. 1874.