Bill

No. 3901 Equity.

To the Honorable the Judges of the Circuit Court for Frederick County sitting in Equity.

Humbly complaining unto your Honors, your Orator Upton Stoner of Frederick County that heretofore to wit: on the 1st day of June 1870 your Orator and Mary Bankard also of Frederick County became securities for Josiah Bankard and Dennis Bankard of the City of Baltimore under the name of Bankard & Bro. in a promissory note to Frederick E. Metzger for the sum of Three Thousand dollars payable one year after date and that afterwards at the May Term of the Circuit Court for Frederick County 1873 the said Metzger recovered Judgment thereon as will appear from a short copy of said Judgment herewith filed marked Exhibit No. 1 against your Orator and the said Mary Bankard and that afterwards on the 27th day of August 1873 your Orator paid to the said Plaintiff the sum of Three Thousand One hundred Eight dollars Ninety three cents in full of said Judgment and costs of suit the amount of said Judgment having been reduced to the sum of $3109.73 by reason of usury to the amount of the difference between that sum and the amount of said Judgment and interest having been allowed by said Metzger and deducted from the amount of said Judgment the said usury having been in the inception of said transaction between the said Bankard & Bro. the Principals in said note, and the said Bankard and your Orator further shows that on the 21st day of October 1871 the said Josiah Bankard and Ann E his wife and the said Dennis Bankard executed a Mortgage to indemnify and save harmless your Orator and the said Mary Bankard as securities on said promissory note as will appear from a copy of said Mortgage herewith filed marked Exhibit No. 2. and he further states that the interest of the said Josiah & Dennis mentioned in said Mortgage was and is an interest of two fifths in the Land and premises in said Mortgage mentioned as will appear from a copy of the Last Will and Testament of said John Bankard in said Mortgage mentioned herewith filed marked Exhibit No. 3. And your Orator further shows that his Co-security Mary Bankard is the same person named in said last Will and Testament as the wife of the said Testator and is the Widow of the said John Bankard and under said last Will was and is entitled to a life Estate in said Land and premises and that the said Mary on the 1st day of April 1873 conveyed her said life Estate to her daughter Mary wife of William Zumbrum as will appear from a copy of the deed of conveyance herewith filed marked Exhibit No. 4 which with all other Exhibits herewith filed your Orator prays may be taken and considered as parts of this Bill of Complaint and he also files herewith the original receipt of the Attorney of said Metzger for the said sum of $3108.93 paid by him as security as aforesaid marked Exhibit No. 5 And your Orator states and charges that the said conveyance of the said Mary Bankard to the said Mary Zumbrum was made with intent to defraud and to hinder and delay your Orator as her co-security from recovering from said Mary