

as will fully appear from a certified copy of said Mortgage herewith filed as Exhibit No 5 Your Complainants further state that several years after the execution of said Mortgage to your Complainant Mary A M Montgomery said John Smith intermarried with a certain Mary M Decker and on the 18th day of May A D. 1863 conveyed to his said wife that portion of said Real Estate which was not previously conveyed by him to John W Smith as will appear from a certified copy of said Deed herewith filed as Exhibit No 6

Your Complainants further state that in or about December A D 1872 the said John Smith, died intestate leaving as his heirs at law a Widow Mary M Smith who is an Adult residing in Frederick County, a son John W Smith whose wife is Sarah E Smith who are Adults living in Frederick County, a son Thomas Smith whose wife is Malinda Smith Adults living in Washington County, a daughter Ann now wife of Ephraim Orcutt who are Adults living in Washington County, and a daughter Mary A. M now wife of Solomon J Montgomery who are your Complainants, and a son Daniel A. who is unmarried, Adult and lives in Washington County.

Your Complainants further state that said John Smith died leaving little or no personal property and that no letters of Administration were granted upon his personal property.

Your Complainants further state that said Mortgage to said Mary A M Montgomery is bona fide and upon good and valuable consideration and was recorded within the time required by law and prior to all the other conveyances herein named as executed by said John Smith and that the whole of said Real Estate will be insufficient to pay the claim of your Complainants. In the end therefore that a sale of the mortgaged premises may be had by Decree of this Court for the payment of the debt due to your Complainants, may it please your Honor to grant the Writ of Subpoena directed to the said John W Smith and Sarah E Smith his wife, Mary M Smith, Thomas W Crampton of Frederick County, and Thomas Smith and Malinda Smith his wife and David Smith and Ephraim Orcutt and Ann Orcutt his wife of Washington County commanding them to be and appear in this Court on some certain day to be therein named and upon their and each of their corporal oath to answer this Bill and to show cause if any they have why a Decree should not pass as prayed

And your Complainants pray for all such other and further relief as their case may require, And as in duty so

C. F. Levy
Solicitor for Complainants.

Filed May 5 1873

Exhibit No. 1

This Indenture, made this 16th day of March in the year of our Lord 1857 between Henry Smith and Elizabeth Smith his wife of Frederick County and State of Maryland of the one part and John Smith of the County and State aforesaid of the other part Witnesseth that the said Henry Smith and wife for and in consideration of the sum of Twenty dollars current money of the United States to them the said Henry Smith and wife in hand paid by the said John Smith at and before the sealing and delivery of these presents the receipt whereof the said Henry and Elizabeth Smith his wife, with hearty acknowledgement and thereof doth release, acquit and discharge the said John Smith his