

of Washington County, Greeting You are hereby commanded that all excuses set apart 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 third Monday of September next to answer the Bill and Complaint of Solomon J. Montgomery and Mary A. M. Montgomery his wife against you in said Court exhibited, and so forth.

Witness the Honorable Richard J. Bowie Chief Judge, of our said Court the 12th day of May 1873.

Issued the 24th day of May 1873

To the Sheriff of Washington County

Endorsed Summons

A. E. Sanford Sheriff.

Charles Mantz
Clerk.

Filed July 25 1873.

Answer of
Jno. H. Smith

The Answer of John H. Smith to the Bill of Complaint of Solomon J. Montgomery and Mary A. M. Montgomery his wife in this cause filed against him respectfully shows. This Respondent for answer to the said Bill of Complaint reserving to himself all manner of exceptions to the said Bill of Complaint on account of the many inaccuracies and insufficiencies in said Bill says he is not advised as to whether the Complainants are man and wife or not and demands proof thereof. He denies that John Smith deceased in his lifetime was indebted in the sum of two hundred and thirty four dollars or in any sum whatever to Mary A. M. Smith and denies the execution of the note under seal as therein alleged and charges that no such note exists nor ever existed, this Respondent also denies the execution of the Mortgage as in said Bill of Complaint alleged.

This Respondent alleges that the said John Smith deceased did not execute a Deed of Mortgage to Mary A. M. Smith and if he did the same was merely voluntary not intended by the said John Smith to convey any interest in the property in said Mortgage described nor to acknowledge any indebtedness to the said Mary A. M. Smith and that the said Mary A. M. Smith now Mary A. M. Montgomery understood the arrangement and knew that said John Smith was not indebted to her to the amount of One cent and knew that it was not intended to bona fide convey to her any interest in the property Mortgaged whatever and this Respondent charges that the said Mary A. M. Smith now Mary A. M. Montgomery did not of her own accord file the bill in this cause but was advised, prompted or forced to do so by Solomon J. Montgomery her husband and one of the Complainants and that the said Mary A. M. Montgomery knows well to enforce said Mortgage would be to perpetuate a fraud upon your Respondent and others interested in said Real Estate mentioned in the said Bill of Complaint in this cause. This Respondent further answering says he admits that he purchased part of the said Land for twenty five dollars and that the same was conveyed to him by John Smith deceased by Deed and that this Respondent is therefore a bona fide purchaser of the same as in said Bill of Complaint alleged. This Respondent admits that he executed a Mortgage together with his wife to a certain Thomas H. Crampton on the said Land purchased by your Respondent of said John Smith deceased as in said Bill of Complaint alleged. This Respondent