

of the Auditor as made in this Cause be and the same is hereby finally ratified and confirmed, no cause to the contrary having been shown although due notice appears to have been given by publication of the Order nisi heretofore passed, and it is further ordered that the Mortgage pay out the respective funds as audited.

John A. Lynch  
William D. Bonic  
Judges of the Cr. Ct.

Filed December 19th, 1878.

No. 4246 Equity.

Bill of  
Complaint

Warner G. Welsh  
vs.  
Jacob Fogle of Wm. &  
Susan Fogle, his wife.

No. 4246 Equity.  
In the Circuit Court for Frederick County,  
sitting as a Court of Equity.  
February Term, 1877.

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

Humblly Complaining sheweth unto your Honors your Orator Warner G. Welsh, that heretofore, to wit: On the first day of October A. D. 1866, a certain Jacob Fogle of William, and Susan Fogle, his wife, made and executed to a certain William H. Wagner, their certain deed in fee simple, for and in consideration of the sum of One hundred and fifty Dollars (\$150.00) for the following real estate to wit: All that tract or parcel of land situate, and lying in Frederick County, it being part of a tract of land called Woods Chance, containing one acre of land more or less - together with the appurtenances therunto belonging, as will more fully & at large appear, reference being had to said deed, a certified copy whereof is herewith filed and marked Exhibit "A." which together with all other Exhibits your Orator prays may be taken as part of this Bill of Complaint. Your Orator further sheweth unto your Honors that, which said deed is absolute upon its face, and conveys in fee simple, the said real Estate, that yet in truth and fact the same was given for and intended by the parties thereto to operate only as a Mortgage to secure the said sum of \$150.00, with interest. Your Orator further shows unto your Honors, that the said William H. Wagner, the grantee in said deed for a valuable consideration assigned said deed to your Orator. Your Orator further sheweth unto your Honors that the said sum of \$150.00, with interest from the said first day of October 1866, (less the sum of about ninety six (96¢) as apparently credits on said deed) is now due and owing to your Orator as such assignee. To the end therefore, that a sale of said mortgaged premises may

188 58  
2687 42  
2687 42  
Frederick County  
with the trust  
a Expenses;  
Mortgage  
Auditor  
Frederick  
1878.  
to 18th.  
t upon  
unless  
provided  
paper  
into. Prior  
Clark  
County.  
19th, 1878.  
misc in  
Newspaper  
cessive writs  
suff.  
County.  
December,  
the report