No. 4228 Equity

And to which said Deed of Mortgage there is a condition annexed, that if the said Henry Harbaugh shall pay unto the said Frederick Town Savings Institution the said sum of money in said note recited when due, and when payment shall be demanded, with all interest due thereon the said Mortgage shall be void, all of which will fully and at large appear by reference to said note - and a certified copy of said Deed of Mortgage herewith Exhibited marked Exhibit No 2 & 3.

And your Complainant charges that no part of the the aforesaid sum of money mentioned and recited in said promissory note or the interest accruing thereon has been paid to your Complainant; except the credits on the back of said note, although the time limited for payment thereof by the Condition aforesaid has passed and payment thereof has been duly demanded of the said Henry Harbaugh. But that the whole of said sum of money and interest except the credits on said note as aforesaid remains due and owing to your Complainant.

To the end therefore that the said Henry Harbaugh of E, may answer the several matters and things hereinbefore stated as fully and as particularly as if they were herein again repeated, and he was hereunto specially interrogated, and that the Mortgaged premises aforesaid, or so much thereof as may be necessary, may be sold for payment of your Complainants Claim with interest as aforesaid, and that your Complainant may have such other and further relief as the nature and Equity of its case may require.

May it please your Honors to grant unto your Complainant the writ of Subpoena against the said Henry Harbaugh of E commanding him to appear in this Court, at some certain day to be therein named to answer the premises, and abide and perform such decree as may be passed therein And as in duty &c

Wm J. Robb
Chas W. Rose
Sols for Complainant.

Filed Feby 13, 1877.

At the request of Henry Harbaugh the following Deed was Recorded December 11th, 1862. Stamp Tax paid

Exhibit No. 1

This Deed made this Ninth day of December, in the year of Our Lord One thousand eight hundred and sixty two, by Hiram Harbaugh Jacob Harbaugh And George Harbaugh of Frederick County, in the State of Maryland, Executors of Elias Harbaugh of H. deceased Whereas heretofore the hereinafter named Henry Harbaugh purchased of the said Elias Harbaugh in his life time the hereinafter described Real Estate, at and for the sum of Twenty nine hundred and Seventy dollars, and whereas the said Elias Harbaugh departed this life before executing a deed of Conveyance for the same, and whereas the said Henry Harbaugh has paid the whole of the purchase money aforesaid; and whereas the Orphans Court for Frederick County, on the 12th day of April A. D. 1859 passed an order directing the said Hiram Jacob & George Harbaugh Executors as aforesaid to make a Deed of Conveyance of the said land to the said Henry Harbaugh Now this Deed Witnesseth, that in consideration of the premises and of the said sum of Twenty nine hundred and Seventy dollars the said Hiram Jacob & George Harbaugh Executors as aforesaid, do grant, in fee simple to the said Henry Harbaugh the following tract, or part of a tract of land called "Elias and Catharine Harbaugh's Home", Beginning for the part hereby intended to be conveyed at a stake by marked Sassafras Tree, at the end of the 18th line of said whole tract, and with the outlines thereof the 17 following Courses correcting the same S. 26° W 52 Pes. to stones N 85¾° W. 18 Pes. to stones N 83¼ W 60 Pes. to stones by a marked