No. 4861 Equity.

alleged in the above petition and Report of Sale, are true as therein set forth and that said sale was fairly and bona fide made.

Filed Jany. 23d, 1883. Robert Stokes J.P.

At the request of Barbary E. Toms the following Mortgage is recorded April 1st, 1879

This Mortgage, made this twenty-ninth day of March in the year Eighteen hundred and seventy-nine, by Daniel Toms, Witnesseth, that in Consideration of the sum of Three hundred and ninety-six dollars, and eighty six cents with interest thereon from the date hereof, now due from the said Daniel Toms to Barbary E. Toms, all the two tracts and parcels of land, situated in Hauvis District, Frederick County, Maryland, the 1st parcel being the same tract of Land conveyed to Daniel Toms by William Toms, Abraham Toms, Samuel Toms and Wm. H. Brown Trustees in a Deed executed on the seventeenth day of March Eighteen hundred and fifty four, containing fifty-six and one-half acres of land more or less, and the 2d parcel being the same tract of Land conveyed to the said Daniel Toms by George W. Smith and Lydia Ann Smith, his wife, by a Deed dated the fourth day of November in the year Eighteen hundred and fifty seven containing twelve and three fourth acres and 36 perches of Land more or less. Provided that if the said

Exhibit A

Daniel Toms shall pay on or before the twenty-ninth day of September Eighteen hundred and seventy-nine to the said Barbary E. Toms, the sum of Three hundred and ninety six dollars and eighty six cents with interest thereon from the date hereof according to the tenor of his promissory note of even date herewith, then this Mortgage shall be void: And the said Daniel Toms covenants that he will pay the aforesaid money: And he further covenants that in default of payment the said Barbary E. Toms may enter: Provided that until default of payment the said Daniel Toms shall possess the premises; And provided, that if default shall be made in the payment of the money aforesaid, or the interest thereon, at the time or in the manner aforesaid, then it shall be lawful for the said Barbary E. Toms to sell the said mortgaged premises at the residence of the said Daniel Toms by Public Auction for Cash, after giving at least three weeks Public notice of the time place, manner and terms of sale in one or more newspapers published in Frederick County, at least once a week for three successive weeks prior to the day of sale to pay the debt and necessary costs attending the sale of said Mortgaged property, and the surplus if any over to the said Daniel Toms.

Witness my hand and seal

Test: John Myers Daniel his + mark Toms (Seal)

Which is then endorsed, viz

State of Maryland, Frederick County, to wit:

I hereby certify, that on this twenty-ninth day of March, in the year eighteen hundred and seventy nine, before the subscriber a Justice of the Peace of the State of Maryland, in and for Frederick County, personally appeared Daniel Toms, and acknowledged the foregoing Mortgage to be his respective act: And at the same time before me also appeared Barbary E. Toms and made Oath on the Holy Evangelys of Almighty God that the Consideration mentioned in the foregoing mortgage is true and bona fide as therein set forth.

John Myers, J.P.