

No. 4968 Equity

My brother came to town frequently. After the interview with Mrs Simmons and before the sale my brother came to town once to my knowledge. That was on Saturday the day she was to meet him here. To my own knowledge I know of but one occasion when Mrs Simmons came to see either father or brother about the payment of this mortgage, and that is the occasion I have referred to. I was present at the sale and heard everything that was said. Neither father, brother or myself made any objections to the sale; we thought our time would come next. The property is not in good condition. It was not good when father bought it. It is worse now because it is four years older.

Signed Margaret V R Poole

It is agreed between counsel that the following examined copy of a Power of Attorney be received as evidence on the part of the Exceptant as fully as the original would be if filed. The original being held as a "mortgage" by the Fredericktown Savings Institution

Power of Attorney

Know all men by these presents that we Bushrod Poole and my wife Catharine B Poole both of Buckeystown Frederick County and State of Maryland for good cause and Consideration have made constituted and appointed and by these presents do make constitute and appoint our son Cyrus W Poole of the said Village County and State our true and lawful Attorney for us and in our name and for our own proper use and benefit to ask, demand, sue for, recover and receive all such sums or sums of money, debts and demands whatsoever, which are now due and owing unto us the said Bushrod Poole and my wife Catharine B Poole by any person or persons whatsoever and to compromise and to agree for the same, and acquitances or other sufficient discharges for the same for us and in our name or names to make seal and deliver and to do all other lawful acts and things whatsoever concerning the premises such as liqui dating and settling all debts and claims which we the said Bushrod Poole and my wife Catharine B Poole owe and are indebted too, the claims being properly presented, and all documents pertaining to our benefit and good as well books to lawfully and truthfully perform for us as fully in every respect as we ourselves might or could were we present at the doing thereof for the purposes aforesaid to make and again at their pleasure revoke, ratifying and confirming and by these Presents allowing whatsoever our Attorney shall in our names lawfully do or cause to be done in and about the premises by virtue of these presents. In witness whereof we hereunto set our hands

Test. H Mc McKenna
E L Keller.

Bushrod Poole Seal
Catharine B Poole Seal

On this tenth day of December Eighteen hundred and Eighty three before me a Justice of the Peace personally appeared Bushrod Poole and Catharine B Poole and acknowledge the above signatures to be theirs

Jessingham Boone J.P.

(The foregoing Copy was Examined by the Examiners)

Whereupon the taking of testimony in this Cause was by consent adjourned to Friday the 11 day of April A.D. 1884 at the place aforesaid, at 10 O'clock A.M. at which time and place I then and there proceeded to take the following testimony to wit:

Mrs Theresa A Simmons (The Respondent) a witness of lawful

age produced on the part of the Respondent being duly sworn deposes and says: I am the Mortgagee who made the the sale in these proceedings mentioned I called to see Dr Bushrod Poole on Saturday morning next before the sale was advertised. He was not able to be seen at least he did not make his appearance and Mr Cyrus Poole appeared in his stead. He said he had power to attend to any business of his father. I told him I wanted the money and I thought the best for me and them to would be to advertise the property and sell it. He said that he was in hopes that they could make some arrangement not to sell it; that he was rather opposed to advertising it