

No. 5608 Equity.

said Mortgage debt and interest is still due and unpaid.

4. That on the seventeenth day of January in the Year Eighteen hundred and Eighty seven, the said Charles C. Shriver by his other Mortgage duly dated, acknowledged and recorded also conveyed unto your petitioners certain real and personal property, therein described including the real estate mentioned in said Exhibit No. 1. for the purpose of keeping them safe from any loss by reason of their being security or bondsmen for the said Charles C. Shriver as Executor under the last will and testament of one Lewis P. Shriver late of Frederick County deceased, one of the provisions of said last will and testament being that the said Executor should place or pay into the First National Bank of Gettysburg the sum of Eight hundred dollars out of the money of the estate coming into his hands for the use of a certain Row H. Shriver to be paid to him when he the said Row H. Shriver should arrive at the age of twenty one year and provided that if the said Charles C. Shriver should pay the aforesaid money at the time specified and keep your petitioners safe from any loss as therein before stated, then the said Mortgage should be void and further provided that if default should be made in the payment of the money aforesaid at the time specified and your petitioners should be held for and pay the aforesaid money then it should be lawful for your petitioners to sell the said mortgaged property on the premises by public auction for cash after giving at least three weeks public notice of the time, place and terms of sale in some newspaper published in Frederick County once a week for three successive weeks prior to the day of sale and to apply the proceeds arising from such sale in the first place to the payment of all Expenses attending said sale, including reasonable Counsel fees and the usual Commissions and then to the payment of the said Eight hundred dollars and all losses which your petitioners may have sustained by reason of their being security for the said Charles C. Shriver as Executor as aforesaid and the surplus if any, over to the said Charles C. Shriver his heirs or assigns and for greater certainty in regard to said allegations your petitioners file herewith as part of this petition and report a duly certified copy of said Mortgage marked Exhibit No. 2.

5. That your petitioners have paid into the First National Bank of Gettysburg said sum of Eight hundred dollars for the use of said Row H. Shriver upon his attaining the age of twenty one years as directed by said last will and testament and that the said Row H. Shriver has attained the age of twenty one years and has received into his own hands said sum of Eight hundred dollars, so paid by your petitioners.

6. That default having been made by the said Charles C. Shriver in paying said Mortgage of four hundred dollars and the interest thereon and also in the payment of said Eight hundred dollars authorizing the Exercise of the powers of sale contained in said two mortgages, your petitioners filed with the Clerk of your Honorable Court this bond to the State of Maryland in such

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