

## No. 6037 Equity

the proceeds from the personal estate of said testator were not wholly sufficient to pay all his debts and your Complainants further alleges that the said widow and daughter Porter who resided with her said Mother on said land after the sale of said personal property being without farm stock, implements and sufficient household furniture and desiring to continue to reside on said farm believing it would be most advantageous for them to remain there retaining that some of the money requisite for obtaining said needed articles could be procured, and said Ann Geisbert being without property or means for such purpose and without power to mortgage said real Estate except so far as might be necessary to pay the balance of her said husband's debts and except so far as her own interest therein might extend, induced the said Marianne C. Thomas daughter of said Ann and Alexander H. Geisbert together with said Charles A. Thomas her husband not residing with them to join with them in a Deed of Mortgage upon the lands so as aforesaid devised for the purpose of securing a loan of the money required not only to pay the balance of debts of said Alexander H. Geisbert but also the money needed to purchase such household furniture, farm stock utensils and implements which they accordingly did by executing in or about the year 1864 their Mortgage to one Samuel Outrow of said County since deceased which was after the death of said Outrow, by his Executors assigned to one Rebecca C. Outrow as will appear by a duly certified Copy of said Mortgage and assignment as recorded among the Land Records of said County herewith filed as part hereof and marked Exhibit No 5 that said Rebecca C. Outrow after said assignment to her of said mortgage married Albert C. Wallis of said County who died about a year ago but that said Rebecca C. Wallis is still the owner and holder of said Mortgage, that it was understood and agreed by and between said parties to said Mortgage at and before the execution thereof that in consideration of the benefits thereby to be enjoyed by the said Ann Geisbert and Porter Geisbert that they were to pay the taxes on said farm and the property so to be bought, the interest on said mortgage debt and apply the further income from said real Estate after their support as far as possible to the payment of the principal of said Mortgage debt, that your orators and oratrices believe that the principal of said mortgage debt or a considerable part thereof still remains unpaid but they are unable to state the exact amount.

It is that in or about the year 1874 the said Marianne C. Thomas died intestate leaving surviving her husband the said Charles A. Thomas and the following named children her heirs at law George H. Thomas a son who is unmarried Charles J. Thomas a son who is unmarried Hattie C. Thomas a daughter who is unmarried Porter R. — a daughter who is the wife of David T. Stup and Anna J. — a daughter who is the wife of George Emory Diller all of whom are now over the age of twenty one year and all residents of Frederick County Maryland except the said Anna J. Diller and George Emory Diller who reside in the state of Ohio

It is that on or about the 7th day of October inst. the said Ann Geisbert widow of said Alexander H. Geisbert died