

No, 10434 Equity,

E X H I B I T No, 1,

At the request of William E. Mercer, the following Mortgage is received for record and recorded February 8th, 1883, at 2-0-clock-20 minutes, P.M,

Test; Adolphus Fearhake, Jr, Clerk,

This Mortgage made this eighteenth day of February, in the year Eighteen hundred and Eighty three, by me Franklin B. Smith, Trustee, of Frederick County, in the State of Maryland, WITNESSETH; whereas there was devised and bequeathed to me, by a certain Catharine Smith, late of said County, deceased by her last Will and testament, all her property and estate, real personal and mixed, of which she died seized and possessed, in trust for the purpose, among other purposes, the rein declared, " to charge my said estate by mortgage, or otherwise, as he may deem most expedient, for such a sum of money as may be necessary to raise to pay my funeral expenses and just debts, and the legacies or bequests therein mentioned" to convey said property and estate, to the said George Washington Hoffman, and my two daughters, Ann Catharine Smith, and Caroline R. Smith as tenants in common subject to the mortgage, or other charge therein, hereinbefore provided to be made by said Trustee," as will appear by said last will and testament, which is duly recorded among the Will Records in the office of the Register of Wills, for Frederick County, aforesaid, and whereas it has become necessary to raise the sum of two hundred and eighty dollars, for the purposes hereinbefore recited, and in the judgment of said Trustee, most expedient to charge the real estate so as aforesaid, devised, to him by mortgage, for said sum of money, and whereas William E. Mercer of said County and State, has agreed to furnish said sum of money, upon a mortgage, of said real estate. Now therefore by virtue of the power vested in me by said last will, and testament, and in consideration of the said sum of two hundred and eighty dollars, paid for the purpose aforesaid, by said William E. Mercer. I the said Franklin B. Smith, trustee as aforesaid, do hereby grant unto the said, William E. Mercer, all that piece, or part of a tract or parcel of land situate lying and being in the County and State aforesaid, on the public road, leading from ^{the} Hagerstown turnpike at Fairview Northwestweryly to the Mountain, and adjoining the Getzendanner Saw Mill property, being part of Chesnut Hill. and the resurvey on Stony Spring" containing one acre three rods and twenty two perches of land, described by metes and bounds, Courses and distances in a deed from Danile Getzendaner & wife to John Hoffman, duly recorded in Liber B, G, F, No, 1, Folio 75, &c, one of the Land Records of Frederick County, aforesaid, as by reference thereto will more fully appear, which was inherited from said John Hoffman, by said Catharine Smith, as his only child and heir at law, and by her devised to me, the said Franklin B. Smith, in trust for the uses and purposes aforesaid, in her said last will and testament, provided that if the parties who are or may be entitled to the Equity, of redemption, in the hereby mortgaged property, under the provisions of said last will and testament, or any of them shall on or before the eighth day of February, in the year Eighteen Hundred and Eighty Four, pay or cause to be paid to the said William E. Mercer the said sum of Two Hundred and Eighty dollars, with interest thereon, at the rate of Six-per cent per annum from the date hereof, then this mortgage shall be void, And provided further that in case of default being made in the payment of the said sum of two hundred and eighty dollars, or the interest thereon or any part thereof at the time and in the manner hereinbefore specified the said William E. Mercer, is hereby authorized and empowered to sell the hereby mortgaged property at public auction, at the City hotel in Frederick City, and County aforesaid, or on the hereby mortgaged premises, for cash after giving at least three weeks notice of the time, place, manner and terms of sale, by advertisement in some newspaper published in Frederick County, aforesaid, prior to the day of sale, and the proceeds of such sale to be applied, to the payment of the mortgage debt hereby secured, and the expenses attending such sale, including Council fees and Commissions, and the balance if any to pay over to the parties entitled thereto, holding the Equity of redemption, by virtue of the conveyance from said Trustee, under the said last will and Testament, of said Catharine Smith,

witness my hand and seal this eighth day of February, in the year Eighteen Hundred and Eighty three, the interlineation on the 2nd 3rd pages being also made,

Test;
Robert Stokes,

Franklin B. Smith, Trustee, (seal)
of Catharine Smith,