by the Defendants and Excepted to by the Complainant and which was read at the hearing of the Cause before the Circuit Court for Washington County, to wit,

To the Honorable the Judges of Washington County Court sitting as a Court of Equity

Humbly Complaining Sheweth unto your Honors, your Orators Andrew New comer and John Funk of Washington County that on or about the 17th day of February 1821. a certain John Keller of said County was seized & pretended to be seized in fee of the trust a parcel of land hereinafter mentioned. And your Orators further sheweth unto your Honors that in the said 17th day of February, 1821 the said John Keller by his Certain four single Bills or obligations in writing under his hand and seal duly made and executed became justly indebted to and promised to pay unto your Orator Andrew New comer the sum of Thirteen hundred dollars and thirty seven cents current money in the following manner viz: Two hundred and ninety three dollars and forty cents on the first of April 1819; Two hundred and ninety three dollars and forty cents on the first of April 1820; Two hundred and ninety three dollars and forty cents on the first of April 1821, and three hundred and thirty dollars on the first of August 1820; which said single bills or obligations in writing for value received were assigned and transferred by your Orator Andrew New-comer to a certain Henry New comer and Peter New comer on the 8th March 1825 and the aforesaid Henry New comer and Peter New comer on the 27th April 1826 for a like consideration assigned and transferred all their interest in the same to your Orator John Funk who is the present assignee and holder of the same as by reference to the aforesaid single bills or obligations now in the custody of your Orators and ready to be produced if your Honors shall so direct will more fully and at large appear. And your Orators further shew that the said John Keller on the Seventeenth day of February 1821. in order to secure the payment of the said several sums of money and interest thereon arising executed to the said Andrew New comer an indenture of mortgage for all that tract or parcel of land, situate, lying and being in the County aforesaid containing fifty five acres of land according to certain courses and distances particularly described and set forth in the said indenture of mortgage in which said mortgage is contained a covenant binding the said John Keller his heirs, Executors and administrators to pay to your Orator Andrew New comer his Executors administrators or assigns the said several sums of money on the several days thereafter particularly mentioned all of which will more fully and at large appear by a reference to the said mortgage marked Exhibit which accompanies this bill of complaint and which your Orator prays may be taken as a part thereof. And your Orators further ~~prays~~ shew that the said John Keller departed this life in or about the month of April in the year 1821 intestate leaving a Widow named Barbara and the following heirs at law, to wit: three daughters, Mary intermarried with Thomas Ford Sarah, intermarried with Christian New comer and Nancy now single and four sons, Henry, John, Abraham and Solomon the two last,

Abraham and Solomon are minors, all of them residents of Washington County aforesaid

And your Orators further sheweth that neither the said John Keller deceased nor his heirs since his decease have paid to your Orators any part of the principal and interest arising from the aforesaid obligations and mortgage except such payments as are endorsed and credited on the said obligations And your Orators further sheweth unto your Honors and be precisely charges that the said Mortgaged premises are a slender and scanty security for the payment of the balance of the principal and interest now remaining due and owing to your Orators which they are ready to show is about nine hundred and seventy dollars. In tender consideration whereof and for as much as your Orators have not a complete and safe remedy in the premises at and by the strict rules of common law nor can fore close the equity of redemption of the said mortgaged premises without the aid of your Honorable Court as a Court of Equity where such matters are properly relievable. To the end therefore that the said Barbara, Widow of the aforesaid John Keller, and Henry Keller, Mary and Thomas Ford her husband Sarah and Christian New comer her husband John Keller, Nancy Keller, Abraham Keller and Solomon Keller heirs of the said John Keller deceased may upon their several and respective corporal oaths true, full and perfect answers make to all and singular the said premises as fully and particularly as if the same were here again repeated; and that a decree may pass ordering the said heirs at law to pay to your Orators the principal and interest now due and which may have become due upon the obligations and mortgage aforesaid and all costs and charges sustained by your Orators in this behalf by a short day to be appointed by your Honorable Court and in default thereof that the aforesaid heirs at law of the said John Keller and every of them and all persons claiming or to claim under them or either of them, may be foreclosed of and from all equity of redemption and claim of in or to the aforesaid mortgaged premises & every part and parcel thereof and the appurtenances thereunto belonging; and further to decree a sale of the aforesaid mortgaged premises and to appoint a Trustee to carry the said Decree into effect and the proceeds thence arising to be paid over to your Orators. May it please your Honors the premises considered to grant unto your Orators the Writ of Subpoena of the State of Maryland to be directed to the said Barbara, Henry, Thomas and Mary his wife Christian and Sarah his wife, John ——, Abraham and Solomon commanding them and each of them on a certain day and under certain penalties personally to be and appear before your Honorable Court, then and there to answer all and singular the premises and to stand to and abide by such order and decree therein as to your Honors shall seem meet.

And your Orators further pray your Honors to direct a Commission to be issued to a Commissioner by your Honors to be appointed for the purpose of appointing a Guardian to take the answers of the infant defendants. And your Orators further pray your Honors to grant unto them such other and further relief in the premises as may be consistent with Equity and good Conscience.