October 1863 Leaving the following Heirs at Law and to wit Charles Wolfe Rebecca now wife of John Shank Elizabeth widow of John Sulzer deceased Mary Wright and wife of Isaac Wright Susan now wife of Ephraim Kepp Joseph Wolfe Samuel Wolfe James Wolfe John M Wolfe and Margaret Wolfe and exhibits that the sum of Seven hundred and one dollars seventeen cents with interest from the fourth day of July 1854 is due and owing and unpaid and that said Mortgaged premises are chargeable with the payment thereof and that Charles Wolfe John Shank and Rebecca Shank live out of the limits of the State of Maryland. It is thereupon this 11th day of Nov in the year 1863 ordered that the Complainant by causing a copy of this order to be inserted in some Newspaper published in Frederick County once a week for four successive weeks before the 18th day of January 1864 give notice to the said absent defendants of the object and substance of this Bill and warn them to appear in this Court in person or by Solicitor on or before the twenty fifth day of April in this year 1864 to answer the premises and show cause if any they have why the same should not be passed as prayed.

Jos W I Carty Clk Cir Ct

True Copy Test Cir Ct Frederick County

Which was duly published as directed and appears by the following Certificate

Examiner Office Frederick Md January 19. 1864. This is to certify that the annexed Order of Publication was published in the Examiner printed in Frederick Town once a week for four successive weeks before the 18th day of January 1864.

Schley Kefer & Co

Thereupon further process of and upon the premises aforesaid was had in said cause until the second day of January A D 1864 thereafter when was read by Mail from the Sheriff of Carroll County to whom the said subpoena was directed the same subpoena thus endorsed to wit Summoned Charles Wolfe John Shank and Rebecca Shank live out of the limits of the State of Maryland. It is thereupon this 11th day of Nov in the year 1863 ordered that the Complainant by causing a copy of this order to be inserted in some Newspaper published in Frederick County once a week for four successive weeks before the 18th day of January 1864 give notice to the said absent defendants of the object and substance of this Bill and warn them to appear in this Court in person or by Solicitor on or before the twenty fifth day of April in this year 1864 to answer the premises and show cause if any they have why the same should not be passed as prayed. Jos W I Carty Clk Cir Ct

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Thereupon further process of and upon the premises aforesaid was had in said cause until the second day of January A D 1864 thereafter when was read by Mail from the Sheriff of Carroll County to whom the said subpoena was directed the same subpoena thus endorsed to wit Summoned Joseph Baugh Sheff Am and the 5th day of January A D 1864 was received by the Clerk of the Circuit Court for Frederick County and filed in the cause aforesaid the following Order to wit.

Sycurgus Phillips Exr of Noah Phillips
vs
Isaac Wright and others
} In the Circuit Court for Frederick County as a Court of Equity

The Clerk of the Circuit Court for Frederick County will enter my appearance in the above cause Isaac E Pearson

Thereafter to wit on the 12th day of January A D 1864 the said Sheriff of Frederick County to wit. John A Steiner to whom said subpoena was duly delivered by the Clerk of the Circuit Court for Frederick County as appears made return thereof by the said Court endorsed on said subpoena in form following to wit. Dec'd Jno H Steiner Sheff

Whereupon the said Complainant Sycurgus P by his Solicitor aforesaid sued further out of the Court and the following Subpoena issued.

Maryland Sct The State of Maryland To Samuel Wolfe of Carroll County Greeting You are hereby commanded that all excuses and delays you personally appear before the Judge of the Circuit Court for Frederick Town in said for this County on the Second Monday of February

April Term 1864

then next to answer the Bill and Complaint of Sycurgus N Phillips Executor of the last Will and of Noah Phillips against you in our said Court exhibited and prosecute. Hereof fail not at your peril as you will answer the contrary at your peril Witness the Honorable Madison Nelson Judge of our said Court the 4th day of January 1864.

Issued the 12th day of January 1864.

To the Sheriff of Carroll County Jos W I Carty Clk

(1855) Which was thus endorsed

Rec'd 15th January 1864 same day executed by Sheff of Carroll County Wm A McKellip Clk Summoned Joseph Baugh Sheff

Whereupon Subpoena was forwarded by mail by the Clerk of the Circuit Court for Frederick County to the Clerk of the Circuit Court for Carroll County to be by him delivered to the Sheriff of said Carroll County and afterwards to wit on the 28th January A D 1864 was read by Mail from the Sheriff of Carroll County to whom the said Subpoena was directed the same subpoena thus endorsed Was Summoned Joseph Baugh Sheff"

Whereupon on the 15 April 1864 and at the term aforesaid came into the Court here Isaac E Pearson by his Solicitor Nelson and Nelson Esquires and filed the said cause the answer following to wit.

To the Honorable Madison Nelson Judge of the Circuit Court for Frederick County sitting in Equity

The answer of Isaac E Pearson to the Bill of Complaint of Sycurgus N Phillips Executor of the last Will and testament of Noah Phillips of Frederick County aforesaid deceased against him in this Court exhibited This defendant admits the matters and facts averred and charged in the said Bill of Complaint but is advised that the Complainant cannot maintain his said Bill in as much as the paper writing of which Complainant exhibits Note is a copy is informal and not executed having been executed in accordance with the laws of the State of Maryland there being no affidavit of the bona fides consideration to said Mortgage Wherefore this Respondent prays that the Complainants Bill of Complaint may be dismissed with costs &c

W B Nelson Sol for Respt

And thereafter on the 28 day of May 1864 and at the term aforesaid it was passed by the Court and filed in the said cause the following Interlocutory decree.

Sycurgus N Phillips Executor of the last will of Noah Phillips deceased
vs
Charles Wolfe and others
} No 3131 Equity
In the Circuit Court for Frederick County in Equity

The defendants Samuel Wolfe and Mary Wright but also Ephraim Kepp and Susan Kepp his wife Joseph Wolfe Isaac Wolfe John M Wolfe and Margaret Wolfe of Carroll County State of Maryland having been duly Summoned to appear to the Bill of complaint and having failed to appear thereto It is thereupon this 27th day of May in the year 1864 by the Honorable Madison Nelson Circuit Judge of the third Judicial Circuit of the State of Maryland sitting by the authority of the Circuit Court for Frederick County sitting as a Court of Equity decreed