written obligation, then this obligation shall be void and of none effect, else of full force and virtue in law.

Signed Sealed and delivered in presence of J. W. Barr. } Daniel Burger, (Seal)

And thereupon, pursuant to the prayer of the foregoing Bill, the Court ordered, that a subpoena be issued, and accordingly a subpoena was issued, in the words and of the tenor following to wit:

Maryland Set. The State of Maryland to David Burgher, George Hill, Abraham Stouffer, John Hoons and his wife and William Hale of Washington County, Greeting. You are hereby commanded that all (Seal) excuses set apart, you personally appear before the Judges of Washington County Court, sitting as a Court of Chancery, to be held at the Court House in Hagerstown, in and for said County, on the third Monday of November next, to answer the Bill and complaint of Peter Bell Vals against you in our said Court exhibited, and so forth. Hereof fail not as you will answer the contrary at your peril, Witness the Hon. John Buchanan Esquire, Chief Judge of said Court, the 25th day of March 1839. Issued the 30th day of October 1839.

C. H. Williams, Clk.

And thereupon further proceedings in the premises aforesaid between the parties aforesaid, and in conformity with the Act of Assembly were continued to the said third Monday of November next. At which said third Monday of November being the eighteenth day of the same month in the year 1839 and the return day of the foregoing writ of subpoena, come into Court here as well the said Peter, Daniel and Frederick Bell administrators as aforesaid, by their solicitor aforesaid, as the sheriff of the County aforesaid, John Newcomer, Gentleman, to whom the foregoing writ was given, makes return thereof to the Court here, thus endorsed, to wit, "Summoned all except David Burgher. John Newcomer, Shff." And now at the same time also appears in Court here the said William Webb and Peter Mong by William Price their solicitor, and file in Court here their answer, as follows, viz. The answer of William Webb and Peter Mong, Defendants to the Bill of complaint of Peter Bell, Daniel Bell and Frederick Bell, administrators of Frederick Bell, deceased, in Washington County Court, sitting as a Court of Equity. These Defendants saving and reserving to themselves all and all manner of exception to the manifold errors, imperfections and defects in the said Bill of complaint contained for answer thereto or unto so much thereof as these defendants are advised it is material or necessary for them to make answer unto, they answering say, that the complainants have inroled by their said Bill referred to divers deeds which they allege to be of record in the Deed Books or public land Records of Washington County, all of which the complainants pray may be taken and received by this Hon. Court as parts of the said Bill of Complaint, and none of which are exhibited with the said Bill or otherwise brought to the view of the Court, and no excuse alleged for the non production of the same, and these defendants pray to be allowed the same benefit and advantage of exception to the omission of the Complainants to exhibit the said deeds with their said Bill, as if the said Bill were demurred to by these defendants for that cause. These defendants further answering say that the said Daniel Burger, did as these defendants have heard and believe, some time in the Month of February 1820, execute

an instrument of writing, purporting to be a mortgage to Frederick Bell now deceased, for a part of a tract of land called "Huckleberry Hall" and a tract called "Heyzers Inheritance" to secure to the said Frederick Bell the sum of seven hundred and one Dollars and thirty cents with interest from the 1st March 1820, but these defendants have also heard and believe that the said pretended mortgage was acknowledged before one Justice of the Peace only. And these defendants further say that on the 29th day of February 1820, the said Daniel Burger being then greatly involved in debt, and these Defendants being bound with him as his sureties to sundry persons in divers large sums of money, upon many of which suits had been brought, and Judgments recovered against the said Burger as principal and these defendants as his sureties in Washington County Court, which said Judgments were liens upon the lands of the said Daniel Burger before and at the time of the execution of the said pretended mortgage to the said Frederick Bell as aforesaid, he the said Daniel Burger did on the day last above mentioned, execute to these defendants his certain deed, reciting that "Whereas the said ~~Dand~~ Daniel Burger aforesaid, owes and stands justly indebted to sundry persons in sundry sums of money, and the said William Webb and Peter Mong have become jointly and severally bound with and for him the said Daniel Burger for the said sums of money, amounting in the whole to the sum of six thousand dollars, current money of the United States, now the said Daniel Burger in order to secure the payment thereof and fully to indemnify the said William Webb and Peter Mong and their heirs is willing to execute these presents" the said Daniel Burger did grant and convey to the above defendants, all the personal property of which the said Daniel Burger was then possessed, also a part of a tract of land called "Huckleberry Hall" and a tract called "Heyzers Inheritance," and the said Deed was made subject to this proviso, that is to say that if the said Daniel Burger, his heirs, executors or administrators, should pay or cause to be paid to the said Defendants or their heirs or assigns, the said sum of six thousand dollars with interest on or before the 1st day of September then next ensuing, for the purposes therein before recited, the said Deed to be void which said Deed, duly executed, acknowledged and recorded according to law, is herewith exhibited, marked No. 1 which together with all other exhibits hereinafter referred to, these defendants pray may be taken and received as part of this their answer. And these Defendants further answering say that after the execution of the said Deed of indemnity to them as aforesaid, as these Defendants were credibly informed and do verily believe, the said Frederick Bell becoming doubtful of the validity of his pretended mortgage on account of its being acknowledged before one Magistrate only, did some time late in the month of March 1820, produce the same with the said Daniel Burger, before John Barr and Jacob Schnebly, Esquire two Justices of the peace, to be acknowledged over again, and the same was acknowledged before the said two Magistrates which will appear by the affidavit of the said John Barr, Esq. who is now deceased, which is herewith exhibited marked No. 2. And these defendants further answering say, that the said personal and real property so conveyed to these defendants were so far bound by Judgments and executions in the hands of the sheriff and of the Constables of said County, all of which were entitled to satisfaction