Sworn before, — Jacob Poole.

The Exhibit marked "M. W. B." mentioned and referred to in the foregoing answer of Marmaduke W. Boyd to the amended Bill of Peter, Daniel and Frederick Bell, Adm.rs of Frederick Bell, dec.d Complainants aforesaid, is in the words and of the tenor following to wit,

Know all men by these presents that I, Marmaduke W. Boyd, of Washington County and State of Maryland am held and firmly bound unto William Webb and Peter Mong of the County and State aforesaid in the just and full sum of five thousand dollars, current money, of the United States, to be paid to the said William Webb and Peter Mong their heirs, executors, administrators or assigns, to the which payment well and truly to be made and done I bind myself, my heirs, executors and administrators firmly by these presents, sealed with my seal and dated the day of 1824

Whereas the above bounden Marmaduke W. Boyd with John Watty are endorsers for the above named William Webb and Peter Mong in a negotiable note in the Hagerstown Bank for the sum of fifteen hundred dollars and whereas the said Marmaduke W. Boyd hath sundry other settlements to make with the said William Webb and Peter Mong on account of said note, and the said William Webb and Peter Mong having this day conveyed to the said Marmaduke W. Boyd sundry tracts, parts of tracts or parcels of land late the property of Daniel Borger, which said tracts of land the said Marmaduke W. Boyd agrees that he will reconvey to such person as the said William Webb and Peter Mong may sell the same to, whenever the said note of fifteen hundred Dollars in Bank and such other claims as the said Marmaduke W. Boyd may or shall have against the said William Webb and Peter Mong on account of said note or otherwise on account of the lands herein named, shall be fully paid and satisfied. Now the condition of the above obligation is such that, if after the payment of the aforesaid note of fifteen hundred dollars, and of all other accounts or claims respecting the estate of Dan.l Borger which is this day conveyed to the said M. W. Boyd, in which the said M. W. Boyd is interested, and at the request of the aforesaid William Webb and Peter Mong the said Marmaduke W. Boyd shall make and execute to the said William Webb and Peter Mong or their heirs or to such other person or persons as they shall direct and deliver to the said William Webb and Peter Mong or their heirs or to such other person or persons as they shall direct, a good and sufficient Deed of conveyance for all the several tracts, parts of tracts or parcels of land which are conveyed to the said Marmaduke W. Boyd by the said William Webb and Peter Mong by deed bearing equal date with these presents, and shall in the meantime duly account for the rents of said land, then the above obligation to be void and of none effect otherwise to be and remain in full force and virtue in law.

Signed, sealed & delivered in the presence of Jno. Barr — John Horine, } M. W. Boyd, (Seal)

At the same time the said William Webb and Peter Mong, by their Solicitor aforesaid, file in Court here their answer to the amended bill of Peter, Daniel and Frederick Bell, adm.rs of Fred.k Bell, dec.d in the words and of the tenor, following, to wit,

The answer of Wm. Webb and Peter Mong to the amended Bill of Peter Bell, Daniel Bell and Frederick Bell, administrators of Frederick Bell dec.d These Defendants for answer to the said Amended Bill or to so much thereof as they are advised it is material for them to answer, say, that the sheriffs sale mentioned in the said amended Bill, was not procured by these Defendants in order that the said Peter Mong might obtain a title to the said property disencumbered of the trusts to which the same was liable in the hands of these Defendants, They further say that the said executions were not taken out at the instance of these defendants or either of them — These defendants say that the title to the said property was acquired by the said Mong in the manner and under the circumstances mentioned in their answer to the original Bill of the Complainants in this cause, and not otherwise or different, That it was acquired honestly bona fide, and without any fraud, concealment or unfairness of any description — They further say that the purchase thereof by the said Marmaduke W. Boyd was not nominal or fictitious, but that it was an open, bona fide and real sale, That Frederick Bell, deceased, was present at the said sale & stood by, and saw the said property purchased by the said Boyd, was requested to bid more for it himself and refused to do so, and went away well satisfied with the said sale, These Defendants are advised that the said amended bill, being made up almost entirely of conjecture, surmise and argument, without the allegation of any new facts, these Defendants are not called upon to make any further answer or reply to the same; and these Defendants pray to be hence dismissed with their reasonable costs and charges in this behalf most wrongfully sustained &c.

Wm. Price, Sol.r for Defendants.

State of Maryland, Washington County, to wit, On this 28th day of November 1840, before me the subscriber a Justice of the peace of the State of Maryland, in and for the County aforesaid, personally appear Wm. Webb and Peter Mong and make oath on the Holy Evangels of Almighty God that the facts, matters and circumstances stated and contained in the above answer are true.

Sworn before, — J. P. Stephey.

And thereupon further process of and upon the premises aforesaid, between the parties aforesaid, and in conformity with the Act of assembly were continued from Court to Court, until the fourth Monday of March next.

At which said fourth Monday of March being the twenty eighth day of the same Month, in the year of our Lord one thousand eight hundred and forty two come into Court here as well the said Peter, Daniel and Frederick Bell, administrators of Frederick Bell deceased, the complainants aforesaid, by their solicitor aforesaid, as the said William Webb, Peter Mong and Marmaduke W. Boyd, Defendants aforesaid by their solicitor aforesaid, Whereupon, pursuant to an order of Court, a Commission issued to Benjamin F. Yoe Esquire, to take testimony in this cause, in the words and of the tenor following to wit,

State of Maryland, Washington County, to wit,

(Seal) The State of Maryland to Benjamin F. Yoe, Esquire,