"Defendants Exhibit No. 2"

On the 1st day of April 1840 I promise to pay to Philip Wingert the sum of three thousand two hundred and fifty dollars with interest thereon from the 1st day of October 1838. the interest to be released if the said principal sum shall be punctually paid, or deposited in good bankable funds in the Hagers Town Bank, to the use of the said Philip Wingert on or before the day it becomes due. Upon the deposite being made as aforesaid this note is to be delivered up to be Cancelled. Given under my hand & seal this 28th day of May 1838.

Witness Wm Price — Lewis Howell (Seal)

Endorsed thus I hereby release the sum of two hundred and fifty dollars of this bond it being for a deficiency of the Land sold to Lewis Howell & for the purchase money of which the land was given.

September 21st 1839. — Philip Wingert

Received of Lewis Howell by the hands of Samuel McSemmes his attorney a draft for three thousand dollars on the Bank of Baltimore payable to the order of Philip Wingert which draft when paid will be in full of the within bond.

March 23d 1840. — S. Hillary for Philip Wingert

"Defendants Exhibit No. 3"

Note Lost from among the papers.

"Defendants Exhibit No. 4"

On the 1st day of April 1842 I promise to pay Philip Wingert the sum of three thousand two hundred and fifty dollars with interest thereon from the 1st of October 1838 the interest to be released if the said principal sum shall be punctually paid or deposited in good banable funds in the Hagers Town Bank to the use of the said Philip Wingert on or before the day it becomes due. Upon the deposite being made as aforesaid. this note is to be delivered up to be Cancelled. Given under my hand & seal this 28th day of May 1838

Witness Wm Price — Lewis Howell (Seal)

Endorsed thus I hereby release the sum of Two hundred & fifty dollars of this bond, it being for a deficiency of the Land sold to Lewis Howell & for the purchase money of which the bonds were given. September 21st 1839. — Philip Wingert.

Received March 31. 1842 of William Price Three thousand dollars the amount of the within Bond in full. — Philip Wingert

"Defendants Exhibit No. 5"

On or before the 1st day of April 1843 I promise to pay to Philip Wingert the sum of three thousand two hundred and fifty dollars with interest thereon from the 1st of October 1838 the interest to be released if the said principal sum shall be punctually paid or deposited in good bankable funds in the Hagers Town Bank to the use of the said Philip Wingert, on or before the day it becomes due. Upon the deposite being made as aforesaid, this note is to be delivered up to be cancelled. Given under my hand and seal this 28th day of May 1838.

Witness Wm Price. — Lewis Howell (Seal)

Endorsed thus I hereby release the sum of two hundred and fifty

dollars upon this bond it being for a deficiency of the land sold to Mr Lewis Howell and for the purchase money of which the bonds were given September 21st 1839. — Philip Wingert

Mar 30th 1843. Recd Three thousand dollars in full of the within bond through the hands of the Cashr of the Hagers Town Bank. — Philip Wingert.

And afterwards towit: on the 6th day of September 1843. the Complainant aforesaid by his solicitor aforesaid files in the cause the following Petition towit:

To the Honorable the Judges of Allegany County Court sitting as a Court of Equity.

The petition of Philip Wingert humbly represents, that he filed his original bill of Complaint in this Court on or about the 25th day of March 1842 against the Maryland & New York Iron & Coal Company stating among other things that a certain Lewis Howell had by his deed of mortgage bearing date the 28th day of May 1838. mortgaged certain lands in Allegany County to your petitioner for the security of certain large sums of money as by the said mortgage deed filed with the said bill may appear. That the said Lewis Howell afterwards on the 31st day of October 1838 had by his deed of that date conveyed the said lands to the said Maryland & New York Iron & Coal Company that a portion of the said mortgaged debt was in arrear and unpaid. And your petitioner prayed by his bill that the said lands or a sufficiency thereof for the payment of said debt might be sold to satisfy the same.

Your petitioner further shews that the said Maryland and New York Iron & Coal Company has filed its answer to the said bill of Complaint, and Your petitioner is advised that for the purpose of stating certain additional facts in relation to the premises his said bill of Complaint ought to be amended.

Your petitioner therefore prays your Honors that leave may be granted him to amend his bill as above mentioned. and your petitioner will ever pray &c. — Wm Price for Petitioner

and afterwards towit on the ninth day of the same month in the year aforesaid the Court passed an order in the words following towit.

Ordered this 9th day of September 1843 that the petitioner Philip Wingert have leave to amend his bill as prayed. — R H Marshall

And afterwards towit on the 22d day of month and year last aforesaid. the Complainant files in the cause his amended Bill in the words following towit.

To the Honorable the Judges of Allegany County Court sitting as a Court of Equity.

The amended bill of Complaint of Philip Wingert of Washington County humbly shews, that heretofore towit on the 25th of March 1842 he filed his bill of Complaint in this Court against the Maryland & New York Iron & Coal Company praying amongst other things for a sale of certain premises lying in Allegany County and mortgaged by a certain Lewis Howell to your Orator and afterwards sold by the said Lewis Howell to the said Defendant as in said bill is particularly set forth. To which bill the Defendant answered, and other proceedings were had as by the same proceedings now in Court will appear.