same for a greater amount than was due thereon which is wrongful and cannot be your petitioners by law wrongful act.

Your Petitioners further show that the original Mortgage in the said matter is not filed among the proceedings in the suit alleged sale which they are advised should have been done a copy of the said Mortgage has been filed which does not contain any power to sell under any act of Assembly nor is any power given of any kind to assume any trust the said Trustee or Attorney of Ward alleged assignee of said Stuplay is acting without authority and wrongfully. Your petitioners further show that a Bill has been filed by the said R.R. Boarman Esq as Solicitor for said Ward against Owen Finigan One of your petitioners in an original case in the said matter as will appear by all the proceedings and papers filed in that case and the other parties to the said Mortgage and not made parties to the said proceedings which is due contrary to the rules and principles of Equity when all parties who may be affected by the decree of the Court must be before the Court that complete justice may be done.

In these causes and others hereinafter assigned your petitioners pray that your Honor to set aside the said proceedings of the said R.R. Boarman Esq and that the parties interested in the said Mortgage claims to proceed regularly and legally be and that their claim with your petitioner who are ready and willing to do what is right and proper in the premises.

Your petitioner assigns the following causes as Exceptions as to the satisfaction of said sale, 1st The said Ward was not the legal assignee of said Mortgage. 2d The advertisement made and by the said R.R. Boarman Esq for the sale of the said property was insufficient and defective in these respects that is to say The ownership of the said Mortgage was not properly described the property was not sufficiently described the amount due was not stated and in many other respects of which the Court

will take cognizance, 3 That they should appear among the papers any power authorising any person interested in the said Mortgage to sell without a decree obtained from the Court, 4 That there was no statement of claims due or other matters set forth in the face of the papers or proceedings in the cause, 5 For these and various causes too numerous to state, W.H. Gwynn Sol for Petitioners.

Afterwards to wit on the 9 day of February in the year last aforesaid on motion of Thomas Ward by his Attorney as aforesaid Leave passed the following Order for hearing to wit,

Ward vs Finigan & McCabe and Finigan

In the Circuit Court for Baltimore County In Equity.

Ordered by the Court this 9 day of February A.D. 1860 that the above entitled cause be set down for hearing on Saturday the 11 day of February A.D. 1860 provided a copy of this Order be served on the Defendants or their Attorney on or before the 10 day of instant. John H. Thos

A copy whereof is issued and the said order is thus Endorsed to wit A copy of the within served on W.H. Gwynn Attorney at Law February 9, 1860. J.H. Dallam Sheriff of Balto City, and afterwards to wit on the 11 day of said month in the year last aforesaid the said Complainant by his Attorney as aforesaid filed in Court here the following Certificates of advertisement of sale also certificates of publication of Report of sale in the form A copy of the foregoing Report Court attached and the affidavits to wit State of Maryland Limestone County Texas The undersigned in pursuance of a power of Attorney executed to him by Thomas Ward under the provisions of an act of Assembly of Pennsylvania of 1826 Chapter 192 Entitled an act relating to Mortgages in the County and City of Baltimore as assignee of a owner of Baltimore County now offer for sale at Public Auction at the Court House door in Jamestown on Tuesday the 13 day of November 1859 at 30 o'clock P.M.