the said Constable to the said Justice of the Peace and were by him filed in the office of the Clerk of the late Frederick County Court, as well more fully and at large appear by reference to a copy of an order of the late Frederick County Court, with the printers certificate and the affidavit of Grayson Eichelberger Esq thereunto annexed herewith filed marked Exhibit C. And your Orator further shows that the said sale of the equitable interest of the said John Nogle in said real estate to your Orator by said Constable was on or after the 4th Monday of February 1847, the day fixed in the said Order of said Court, duly ratified and confirmed by the said Court, as well more fully appear by reference to the said affidavit of the said Grayson Eichelberger Esq who was the Counsel of your Orator in said Case. And your Orator further shows that the Clerk of the late Frederick County County Court, although expressly required so to do by law, did neglect and fail to record the said Judgment of the said Justice, writs of fieri facias and venditioni Exponas, Constable's return of proceedings, and proceedings thereupon had by the said Frederick County Court as aforesaid, and that the same are lost and can no where be found, although the most diligent and repeated searches have been made amongst the files and records in the Office of the Clerk of the Circuit Court for Frederick County, in which are deposited the files and records of the late Frederick County Court. And your Orator avers and so charges that at the time of the execution of the said Mortgage to the said George Zollinger by the said defendants, as also at the period of the subsequent assignment or transfer of said mortgage, by the said Zollinger to your Orator as aforesaid, and of the purchase by your Orator of the Equity of redemption of the said John Nogle in said real estate at Constable's Sale as aforesaid, the said lots of ground had upon them improvements of very small value, and were not worth more than the amount of principal and interest then due upon said mortgage debt, and that the value of the said property as it then stood is greatly less than the present amount of the principal and interest due on said debt, and your Orator charges that no part of said debt has been paid either to the said George Zollinger before, or to your Orator since the assignment to him as aforesaid of the said Mortgage, but that the whole of the said debt and more than fifteen years of interest are now due and owing, making the aggregate of principal debt and interest upwards of three hundred dollars, which is greatly beyond the value of the said real estate before it was improved by your Orator as hereinafter stated. And your Orator shows that after the said Sale to him by the said Constable of the equitable interest of the said John Nogle, your Orator erected costly and valuable buildings upon said land, inasmuch as he regarded his title to the same complete by the assignment to him as aforesaid of the said Mortgage, and by the sale to him as aforesaid of the equitable interest of the said John Nogle, and the confirmation of said sale by the Frederick County Court as aforesaid. And your Orator further shows that by the free consent of the said mortgagors he has been in peaceable and undisputed possession of the premises since the date of the assignment to him as aforesaid of the said mortgage by the said Zollinger: and that he made the said valuable improvements on said land with the full knowledge of and without any objection by the said defendants; and that in consequence of the said improvements the said property is worth several times its original value. And your Orator is advised that, by reason of the assignment to him by the said Zollinger of the said Mortgage, and the purchase by him of the equity of redemption of the said John Nogle, as aforesaid, as well as because the said original value of the said land is greatly less than the present indebtedness of the said Mortgagees to your Orator, as aforesaid, under said mortgage, he is entitled to have the same foreclosed, and his title to the said land made complete and absolute by a decree of your Honorable Court, without the aid of which is remediless in the premises. To the end therefore that the defendants hereinafter named may answer the several matters and things herein-

Exhibit A.