taken up by me and have been in my possession and I have made diligent search for them in all proper places and have not been able to find the same they are lost or destroyed The said original note was embraced in and covered and intended to be secured by the Mortgage executed by me to Sophia Fitzhugh & Sarah Margaret Fitzhugh a copy of which said Mortgage is herewith shewn me marked Exhibit No 4. The Solicitor for Jacob M. Kunkel excepts to the Competency of parol evidence to show that the note was covered by the mortgage referred to and also because said note on its face endorsements is not included or protected by said deed of Mortgage.

The Solicitor for Sophia Fitzhugh here file with me the claim marked B. C. No 4 and the promissory note thereto attached being a short copy of a Judgment against Sophia Fitzhugh upon the promissory note therein recited the said claim being handed to the witness he deposes and says

I look upon the promissory note attached to claim B. C. No 4 and recognize the signature thereto to be in my handwriting and the indorsement thereon to be the handwriting of Sophia Fitzhugh as it purports to be it is a renewal of an original note dated October 2d 1856 hereinbefore produced marked R. M. with the interest and costs of protest of said original note added the said Original note and this renewal was indorsed from my accommodation by said Sophia Fitzhugh the said original note was embraced in and covered and intended to be secured by the Mortgage executed by me to Sophia Fitzhugh and Sarah Margaret Fitzhugh a copy of which said Mortgage is herewith shewn me marked Exhibit No 4.

The Solicitor for Jacob M. Kunkel excepts to the Competency of parol evidence to show that the note was covered by the mortgage referred to.)

(The Solicitor for Sophia Fitzhugh here file with me the claim marked B. C. No 5 "being a promissory note dated March 15th 1857 for $1000 the said claim being handed to the witness he deposes and says

I look upon the promissory note attached to the paper here shewn me marked B. C. No 5 I recognize the signature thereto as my handwriting and the indorsement thereon to be in the handwriting of Sophia Fitzhugh this is one of the renewals referred to in my testimony to the claim marked B. C. No 2 and upon which $500 was paid by said Sophia Fitzhugh and the said claim marked B. C. No 2 heretofore spoken of was a renewal for the balance the said original note was indorsed by said Sophia Fitzhugh for my accomodation and the said $500 was paid by her to indorser and the same was a renewal of the original note mentioned in my testimony to said claim marked B. C. No 2 "which was embraced in covered by and intended