

John A. Simmons et al vs Catharine Poole & others
N 2666 Equity, In the Circuit Court of Frederick County sitting as a Court of Equity.
February Term 1856

The Petition of John A. Simmons & Simon C. Simmons the Complainants in the file of Complaint in this Cause respectfully shew to your Honor that since the filing of their said bill of Complaint against the proceedings thereupon they have on the demand of the Central Bank of Frederick paid the note in the proceedings in the Cause mentioned a Copy of which said note is filed as exhibit N 2 and your petitioners therefore ask leave to file their Supplemental bill setting forth the facts and making the said Bank a party defendant in this Cause & as its duty bound &

Geo. K. Shelton
Sol. for Complts.

N 2666 Equity The Supplemental bill of John A. Simmons and Simon C. Simmons of Frederick County sheweth that therefore they file their Bill of Complaint in this Court against a certain Catharine Poole and others of Frederick County praying amongst other things that the real estate mentioned and a certain mortgage exhibited with said bill marked Exhibit N 1 - be sold to satisfy a certain promissory note in the Central of Frederick - a Copy of which is exhibited with said bill marked Exhibit N 2, upon which your orators were sureties and to secure the payment of which said note and to indemnify and save harmless your orators from all loss and liability by reason of said promissory note the said mortgage was executed to your orators by William Poole dec^d the principal in said note Catharine Poole his wife to which bill the said defendants answer and other proceedings were had as by the same proceedings now in this Court will appear and your orators charge by way of supplement to their aforesaid bill of Complaint - that since the filing of their said bill against the proceedings thereupon aforesaid your orators have at the instance and upon the demand of the said Bank paid the note to said Bank as sureties for said William Poole deceased as appears by the receipt of said Bank filed herewith marked exhibit N 3 And your orators are advised that by reason of the payment aforesaid they are entitled to stand in the place of the said Bank and to have the property mentioned in said Mortgage sold for the repayment to your orators of the money so paid by them as sureties of said William Poole dec^d with legal interest and that the said Bank is a necessary party to this suit & Is the eye therefore that the said Bank of Frederick may answer as well the matter and things charged in the original bill of Complaint