

the sum of Fourteen hundred dollars, Mortgaged the lands therein described, to said Noah Phillips, with condition thereto annexed, that if Isaac Wright failed to pay the said sum of money and interest thereon, at the time limited for payment, that the said Noah Phillips might sell the same to pay the money so due.

That said Isaac Wright and Mary Wright his Wife, afterwards by deed conveyed the same to Abraham Wolfe - who conveyed part thereof to John Agnew and Raphael Barber - to whom said Noah Phillips released the part so conveyed - That afterwards the said Isaac Wright and Abraham Wolfe, sold the same to Isaac Pearson, who is now in possession thereof, that Abraham Wolfe died without executing a deed to said Isaac Pearson -

That the said Bill further charges that sundry payments have been made on said Mortgage debt, and that there is a balance of seven hundred and one dollars and ~~seventeen~~ <sup>seventy</sup> cents with interest from the fourth day of July Eighteen hundred and fifty four, still due, unpaid and owing on said debt. - That Abraham Wolfe is dead, and that his estate descended to his children as his heirs at law. That said Noah Phillips is dead having first made his will, and appointed your Petitioner as Executor, who has filed his approved bond, and taken out letters testamentary from the Orphan's Court for Frederick County.

Your Petitioner further states that on the fourteenth day of December Eighteen hundred and sixty three against Charles Wolfe, Rebecca Shunk, and John Shunk her husband, Elizabeth Switzer, Mary Wright and Isaac Wright her husband, Susan Repp and Ephraim Repp her husband, Joseph Wolfe, <sup>John M. Wolfe</sup> Margaret Wolfe, and Samuel Wolfe & Daniel Wolfe - Children and heirs at law of said Abraham Wolfe, and Isaac Pearson purchaser - praying for a sale of said Mortgaged premises, to pay the balance due on said Mortgage, that upon proceedings had in said cause a decree pro confesso, was taken against Charles Wolfe, John Shunk and Rebecca Shunk his wife the now resident defendants, and an interlocutory decree against Samuel - Elizabeth Switzer, Isaac Wright and Mary Wright his wife, Ephraim Repp and Susan Repp his wife, Joseph Wolfe, Daniel Wolfe John M. Wolfe, and Margaret Wolfe defendants, who have been summoned, and failed to appear - That Isaac Pearson the other defendant has filed his answer admitting the facts stated in the bill to be true, but objecting to the the passage of the decree in this cause alleging that Noah Phillips the said Mortgagor did not make affidavit of the consideration of said Mortgage and that there was no affidavit of consideration attached to said Mortgage - All of which matters will more fully appear by reference to the Bill and all other proceedings filed in No. 3107 Equity, which your Petitioner prays may be taken as part of this his petition -

Your Petitioner states that in his original Bill filed in this cause, he omitted to charge, that the time said Isaac Pearson purchased the said Mortgaged premises from the said Isaac Wright, or from said Abraham Wolfe he had actual knowledge of the existence of the Mortgage executed by said Isaac Wright and Mary Wright his wife to said Noah Phillips a copy of which Mortgage is Exhibited on the original Bill filed in this cause, and purchased the said Mortgaged premises with the notice of such Mortgage, and that the said Mortgage debt, was still due and unpaid, and that since he the said Isaac Pearson became the purchaser of said Mortgaged premises, he has paid part of the Mortgage debt to said Noah Phillips and that when he made his payment, he the said Isaac Pearson had notice that the balance now claimed by your Petitioner as Executor, was due and unpaid on said Mortgage.

Your Petitioner therefore prays your Honor to pass an order authorizing him to file an amended Bill charging that said Isaac Pearson, at the time he purchased said Mortgaged premises had actual notice of the Mortgage thereof by Isaac