Smoot has paid on account of said Land and presumes he must have paid or secured the same in full as said Turpin gave him the deed for said property and respondent relies upon said deed as evidence and conclusive evidence of such payment And this respondent admits that said Smoot did become a bankrupt and that William W. Laird was appointed his assignee and after giving bond as such set up to auction and sold clear of all incumbrances the said property when this respondent became the and this respondent submits that by such sale all the rights and lien of said Turpin if any he had have been extinguished and that his only redress is from the purchase money now in the hands of the said assignee. This respondent expressly denies that he heard said Turpin or any one else at said sale or before assert that he said Turpin had any claim to or upon said property altho said Turpin may have announced that statement but he submits that if he did so still said property was sold clear of all liens or incumbrances and that said Turpins only redress is from the assignee in Bankruptcy and that such has been the decision in the Courts of the United States. And this respondent has heard and believes that said Smoot has either paid or secured the whole of the purchase money of said property to said Turpin and that thereby as respondent is advised the liens of said Turpin has been extinguished. He therefore prays to be hence dismissed with Costs.

J. Glenn for deft.

On this 25th day of September 1844. before the subscriber a Justice of the peace for Dorchester County Maryland personally appears Jacob Wilson and makes oath that the facts stated in the foregoing are true to the best of his knowledge and belief

Sworn before Edward W. Morris J.P.

Defts Exhibit A

Thomas Smoot
from
Francis B. C. Turpin & wife

Be it remembered that the following Deed was recorded on the 24th day of January, 1842. to wit

This Indenture made this nineteenth day of January in the year of our Lord eighteen hundred and forty two by and between Francis B. C. Turpin and Mary Adeline Turpin his wife both of Dorchester County and State of Maryland of the one part and Thomas Smoot of the same County and State aforesaid of the other part. Witnesseth that they the said Francis B. C. Turpin and Mary A. Turpin his wife for and in the Consideration of the sum of four hundred and seventy five dollars Current money of the State of Maryland to them in hand paid by him the said Thomas Smoot before the sealing and delivery of these presents the receipt whereof they the said Francis B. C. Turpin and Mary A. Turpin his wife doth hereby acknowledge and from every part and parcel thereof doth hereby acquit exonerate and discharge him the said Thomas Smoot his heirs executors and administrators they the said Francis B. C. Turpin and Mary A. Turpin his wife hath granted, bargained sold Patented confirmed and by these presents doth grant bargain, sell, alien, enfeoff and confirm unto the said Thomas Smoot his heirs and assigns forever, all those two separate and distinct parts or parcels of the tract of land called and known by the name of Rehoboth lying and being in Dorchester County aforesaid. and the first part lying on the County road leading from Cannons ferry to Crotchers ferry and in the village of Crotchers ferry. Beginning for the first part of the tract of land called Rehoboth to wit