which was after his death duly probated and admitted to record according to law, and that exhibit "A" filed with the said bill of complaint, is a true copy of the said last will and testament, and by which said last will and testament the testator devised all his real estate in Maryland, to his two sons Jacob Hershner Junior and Abraham Hershner, this respondent, subject to a life estate in said property devised by the said will to the mother of this respondent, and of the said Jacob Hershner junior, and subject also to various large pecuniary legacies charged by the said will on the said lands so devised in favor of the four daughters of the said testator, sister of this respondent and the said Jacob Hershner junior, as will appear by the copy of the said will, filed as aforesaid, and this respondent also admits that all the devisees and legatees named in the said will survived the said testator and that the said Jacob Hershner junior became sole executor of the said last will and testament, the executors therein named declining to act And this defendant further admits that the said Jacob Hershner junior died in the early part of the year 1839, intestate leaving no only child, the complainant hereunder age and of tender years, and also left surviving him a widow who is still living and as the defendant insists should have been made a party to this proceeding, but this defendant utterly denies that the said Jacob Hershner the father of the complainant died seized of the real estate mentioned and described in the said bill of complaint, and the exhibits filed thereunto, or any part or parcel thereof either in law or equity, but upon the contrary the said Jacob Hershner the father of the complainant died wholly insolvent being overwhelmingly indebted and owning no property or means wherewith to pay the same, and that such insolvency was notorious and had been well understood for several years prior to the death of the said Jacob Hershner That the said Jacob was exceedingly improvident and reckless in his business affairs, and in the administration of his father's

estate great loss was sustained to those entrusted by his improvidence and bad management, that he was considerably indebted at the time of the death of his father the said Jacob Hershner Senior and after his death, became greatly more so, and to such an extent was he the said Jacob Hershner, junior indebted that about the year 1823, 1824 or 1825 his credit entirely ceased and he stopped all payment of debts and liabilities, except such as could be made by executions. That his liabilities had so accumulated and the judgments against him became so numerous, that at or about the period aforesaid, he was totally insolvent and his property largely insufficient to pay his debts, that this defendant had became largely responsible for the said Jacob as security to several persons, and in every instance, and to the full extent had to pay the money without any sort of indemnity, or ever receiving the least reimbursement that the said Jacob was largely indebted unto Andrew Hershner on various accounts and in different sums and the said Andrew Hershner among many others who obtained judgments against the said Jacob at the March Term of Washington County Court 1826, obtained two several judgments against the said Jacob Hershner, the one for $611.61 with interest from 16th of September 1818 and costs, and the other for $315.69 with interest from 16th September 1818 and costs, and afterwards about the first of December 1823 the said Jacob Hershner executed to the said Andrew Hershner a mortgage of all his personal property to secure the payment of the sum of one thousand dollars as will appear by a duly authenticated copy of the said mortgage hereunto filed as exhibit No 1 which is prayed to be taken as part of this answer and this defendant also files herewith a schedule of short copies of judgments rendered against the said Jacob Hershner among which are those in favor of the said Andrew Hershner as aforesaid showing the number and amount of judgment claims against the said Jacob, and which said schedule is marked exhibit No 2 and is prayed to be taken and