Mr Gibbs Charles Oliver & others in the High Court of Chancery of Maryland. This Defendant for answer to said Bill of complaint answereth and saith he admits the death of James Cunningham named in the Bill of Complaint and that he dies intestate leaving the several children named in the Bill of complaint. He also admits the death of Robert Oliver Horatio M'Pherson and John M'Pherson the elder and that upon the several estates of said Robert Horatio & John letters of administration were obtained as stated in the bill of Complaint. He also states that letters of administration upon the estate of said James Cunningham were obtained he is informed by a certain Jonathan Eader and since his decease letters of administration de bonis non have been granted to Francis Thomas. He also admits that the said Cunningham in his life time executed the promissory notes stated in the bill of Complaint. He also admits that the said James at the time of his death was indebted to divers other persons, and further that he died seized in fee of the several tracts of land, named and described in the Bill of Complaint — This Defendant for further answer states that a part of said real estate was by the said James in his life time mortgaged to this Defendant & Richard G. Stockett, trustees of Charles Shipley's Estate, and the mortgage is recorded in the Land records of Allegany County. This defendant also states that a part of said land was also conveyed in trust to this defendant, as will appear by said deed a copy of which admitted to be a correct one the complainants exhibit with their Bill of complaint as their exhibit No. 6. But this defendant states that he has not sold the said land because he was unable to obtain anything like its value for said land and no one interested in the same has urged a sale which would have been a sacrifice of it. This defendant believes that the personal estate of said James Cunningham was insufficient to pay his debts. This defendant having answered the several matters in said Bill of Complaint contained, prays hence to be dismissed with costs.

Alex. C. Magruder for Defendant.

Maryland Anne Arundel County, to wit, On the twenty first day of June 1843 Henry Wayman the defendant named in the above answer makes oath on the Holy Evangely of Almighty God that the matters and things herein above stated are true to the best of his knowledge, recollection & belief. Sworn to before me

R. Swann Mayor of City Annapolis.

And afterwards at the same Term came the Defendants William C. Cunningham and James Cunningham by their counsel Alexander C. Magruder Esquire and filed in the said cause their answer to the said Bill in the words following to wit. The separate answer of William Cunningham & James Cunningham to the Bill of Complaint filed against them & others in the High Court of Chancery of Maryland by Robt. M. Gibbs & others — These defendants for answer to said Bill of complaint say they admit the facts stated in the said Bill of Complaint and pray hence to be dismissed.

Wm. C. Cunningham.
James Cunningham.

A. C. Magruder for Defendants.

Maryland Frederick County to wit. On the third day of July in the year eighteen hundred and forty three William Cunningham & James Cunningham made oath on the Holy Evangely of Almighty God that the

above is true to the best of their knowledge & belief.

Sworn to before me — William Lowe.

And the said cause thus standing was continued until the next Term of the said Court, at which next Term to wit July Term one thousand eight hundred and forty three the sheriff of Howard District of Anne Arundel County made return of the said writ of attachment against the defendant Stockett, thus endorsed 'attached.' And the said cause thus standing was continued until the next Term of the said Court at which next term to wit, September Term one thousand eight hundred and forty three came the defendant Richard G. Stockett, by his counsel, Thomas S. Alexander Esquire and filed in the said cause his answer to the said Bill in the words following to wit — The separate answer of Richard G. Stockett of Howard District to the bill of Complaint of Robert M. Gibbs and others against this defendant and others in Chancery exhibited — This Defendant admits that James Cunningham deceased in said Bill named did in his life time convey unto this defendant and his co-defendant Henry Wayman as Trustees certain real estate lying and being in Allegany County to secure unto them the repayment of the sum of two thousand and seventy one dollars which had been loaned by them as Trustees under direction of this Court to him with interest thereon as by said mortgage Deed dated on or about the twenty sixth day of August in the year eighteen hundred and thirty, and recorded amongst the Land Records of Allegany County will appear, and not having said Deed nor a copy thereof in his possession or under his control he is unable to state more particularly the extent of his claim as aforesaid but is advised and insists that a copy thereof ought to be procured at the expense of the complainants and by them Exhibited, if they claim any relief in respect thereof against this Defendant. And this defendant avers that no part of the principal or interest of the loan secured by said mortgage deed has been paid directly or indirectly to him nor does he know nor has he any reason to believe that any part or parcel thereof has been paid to his co-trustee and co-defendant Wayman. Upon this point however he presumes the said Wayman can speak more certainly and to his answer to be filed in this cause this defendant refers. And this defendant is advised and therefore insists that he and his co-trustee and co-defendant Wayman are creditors of said Cunningham deceased in his life time and claim title to the lands mentioned in and conveyed by the aforesaid Deed of mortgage as a security for the money principal and interest due them as trustees as aforesaid and being thus entitled to be preferred before all simple contract or general creditors of the said Cunningham deceased in the administration of the proceeds of sale of the lands conveyed by said deed of mortgage. This defendant can have no interest in admitting or denying the claims of the complainants as general creditors of said ~~said~~ deceased, and this defendant having no personal knowledge whatsoever in relation to said claims must leave the complainants to establish the same as they may be advised. This defendant is content that the said complainants or any of them shall redeem the aforesaid lands from the said mortgage. But he cannot agree that said lands shall be sold for the payment of debts generally or according to their priorities as prayed by the said complainants