may hereafter, before the said Commission is closed be produced to and left with you, by either of the said parties so help you God

Sworn before

And Thereupon the Solicitors for the parties aforesaid, filed in Court here the following Statement of Facts towit.

Elie Beatty, Trustee
vs
Ins Davis & others. } In Chancery
Statement of facts

John Davis the Defendant executed the Deed of Trust mentioned in Complainants Bill, and the Exhibit filed herewith is a Copy of said deed. The deed embraced all the property of every kind which belonged to the said Davis at the time it was executed.

A short time previous to the execution of the said deed David G Yost who was the son in law of the said Davis, had become much embarrassed in his business and pecuniary affairs; that the said Yost was not only indebted for money which he had borrowed from different persons and institutions, but as Trustee, Guardian and in other fiduciary capacities in large unsettled estates he was greatly in arrears, During the summer of 1845 some of the Creditors of the said Yost had Commenced pressing him for their debts, and at the time the said deed was made fi fas sufficient to Cover nearly all his property were in the Sheriffs hands. The said Davis was one of the Securities for the said Yost at the time said deed was executed, upon sundry of his promissory notes, single bills and bonds as guardian, Trustee, administrator & so forth. That said John Davis was one of the sureties of David G Yost as guardian to Nancy Wolgamot Adam Kinkle being the other security.

That the amount due said Ward by her guardian upon settlement amounted to $1005.21, with interest from the 8th day of April 1846 for which sum Judgment was subsequently had. That after said Davis executed the said deed, the said Yost, towit, on the 31st Oct 1845, made application for the benefit of the Insolvent Laws of Maryland, and in his Schedule returned a list of debts and property, as appears by the Certified Copy of his insolvent papers accompanying this Statement. That the property which said Yost held at that time sold for $6782.05

That he died on the 5th of November 1845. That some time during the summer of 1845, application was made to the Orphans Court of Washington County for additional security from the said Yost as guardian as aforesaid. That the said Orphans Court rejected said application on the ground that the said Davis was a man of large and valuable property and fully able to make good any deficiencies or defalcations that might occur in said Yost accounts as guardian as aforesaid, That the said Kinkle, the other security has since, towit, on the 17th day of Decr 1846, been discharged under the Insolvent Laws of Maryland. It is further admitted that since the execution of said deed of Trust and the sale of the real estate of said John Davis, it has been ascertained that the property conveyed by said deed will not be sufficient, after deducting the payment made on Judgments obtained against John Davis as security of said Yost and the retention of the Hagers

Town Bank stock by that Bank to discharge his Davis liability as security for Yost and others and his own debt to pay the specific Creditors mentioned in said deed. That unless the deed of Davis is vacated the said Nancy Wolgamott will lose her entire debt. That the firm of Davis & Brothers mentioned in said deed, composed of R T Davis, W H Davis & Charles W Davis, are the sons of the said John Davis, That Charles W Davis the grantee and Trustee in said Deed is the same Charles W Davis above named. That Mary Watson is John Davis' daughter and Mary Jane Watson, Elizabeth Watson, Martha Watson and John D Watson, and Fanny Watson are his grand children, and that William L Ross is his son-in-law, and that William Ross is the father of the said William L Ross. Neither Frederick Dorsey, Charles G Lane, Charles McGill, Everhart Reckley, The Hagers Town Bank, nor any one of them ever solicited or requested the said Davis to execute said deed for their benefit nor ever pressed him to secure said debts; and that Charles G Lane the Justice of the Peace who took the acknowledgment of the deed is the same individual of same name whose debt is provided for in said deed. That a fieri facias was issued on the Judgment of Wolgamot guardian as aforesaid, returnable to March Court 1847, which was returned nulla bona, That on the 1st day of March 1848, the said Davis being in custody of the Sheriff under a writ of Capias ad satisfaciendum issued subsequently to the return of the nulla bona aforesaid out of Washington County Court, at the suit of Eve Wolgamot who had after the insolvency of the said Yost been appointed Guardian to the aforesaid Nancy Wolgamott did petition for the benefit of the Insolvent Laws, and was accordingly discharged from arrest, and at the same time the Complainant was regularly appointed Trustee for said Davis' Creditors. That the Ca sa upon which the said Davis petitioned for the benefit of the Insolvent Laws was the first and only one that ever issued against him previous to the time of his application as aforesaid. That all the real estate conveyed by the said deed of trust except some lots near Hagers Town sold at private sale to Jacob Boward has been sold at public sale after public notice by advertisement in newspapers published in Washington and Allegany Counties: The House in Hagers Town and the river farm in Allegany to Mary Watson, she being the highest bidder at the following prices viz: the large house in Hagerstown for $1500. the small house for $1050, and the river farm in Allegy for $800. The flint stone farm was sold to John Pike he being the highest bidder, That the said Mary Watson and her children having the alleged Claims against the said Davis which are mentioned and provided for in said deed, and which exceed the amount due from her for the purchase money no cash has been by her paid to the Trustee The firm of Davis & Brothers has never been declared insolvent though it has been dissolved.

The Certified Copies of the Insolvent papers of Yost and Davis accompanying, towit

A List of the Creditors Debtors and Property, of David G Yost an applicant for the benefit of the Insolvent Laws of Maryland.—