the Counsel for the said Phillips did not exhibit the deed of trust of the twenty seventh day of March Eighteen hundred and thirty four at the said last mentioned sale, and warn all persons not to buy said property, and whether the said Spindler and his family are not now in the possession of the property mentioned in the deeds hereinbefore described and if not when the went out of such possession. And whether the said Phillips was not absent from this Country on a voyage to Brazil or Buenos Ayres or some other part of South America from a day prior to the twenty sixth day of March Eighteen hundred and thirty four to the fifteenth day of January 1835.

And that by a decree of this Honorable Court the said deed of the twenty seventh day of March Eighteen hundred and thirty four and the Bill of sale of the Eighteenth day of April Eighteen hundred and thirty four may be vacated, annulled and declared void and that as to the property mentioned in the said deed of the twenty seventh day of March Eighteen hundred and thirty four the same may be decreed to be sold and as to the property conveyed by the said Bill of sale the same or such part thereof as yet remains may be sold and the said James Phillips Senior and William C. Spindler may be decreed to bring into this Court the difference between the price the same may produce and the value of the whole at the date of said bill of sale and that the said James Phillips, Senior may be decreed to bring into this Court the said sums of money received on the Judgment against Jonathan Munroe, that is to say, the sum of Three Hundred and Sixty one Dollars ninety six cents with interest thereon from the Twenty Seventh day of June Eighteen Hundred and thirty five, and the sum of three hundred and Eighty seven Dollars and ninety Eight cents with interest thereon from the Eleventh day of January Eighteen hundred and thirty six and that an account may be taken under the direction of this Court of the annual value rents issues and profits of the property conveyed by the said several deeds above mentioned as well during the time that the same or any part thereof was in the possession of the said Spindler and his family as during the time the same may have been in the possession of any one else under him or them or under the said Phillips and that the proceeds of the said sales and of all the monies so brought in or accounted for may be paid over to your Orator to be by him distributed according to the provisions of the insolvent Law and that he may have such other and further relief as his case may require and to Equity seem meet.

May it please your Honor to grant to your Orator the states writ of Subpoena to be directed to the said James Phillips Senior. William C. Spindler and Bethia his wife and Eleanor E. Spindler commanding them and each of them to be and appear in this Honorable Court on a day, and under a penalty therein to be inserted, to answer the premises and to stand to and abide by such order and decree as may be passed in the premises and that a commission be issued to some discreet person who shall assign a guardian for and take the answer of said infant defendants.

And as in duty bound. Your Orator will pray &c.

Dobbin and Talbot for Complainant.

Mem^d. The Exhibits referred to in the foregoing Bill will be found returned with the Commission. And thereupon a writ of Subpoena was accordingly issued against the said defendants to the City of Baltimore returnable to the next Term of the said Court at which next Term, to wit: March Term 1846. The Sheriff of the City of Baltimore made return of the said Writ of Subpoena thus endorsed "Sum^d. except William C. Spindler who is "Non Est". And afterwards at

the same term a writ of Subpoena was renewed against the defendant William C. Spindler returnable to July Term 1846. And at the same time a Commission was issued to John Hanan Esquire of the City of Baltimore to take the answer of the infant defendant Eleanor E. Spindler to the said Bill. And afterwards at the same term the Commissioner aforesaid made return of his said Commission with the answer of the infant defendant Eleanor E. Spindler to the said Bill in the words following to wit.

Maryland Sc: The State of Maryland to John Hanan of the City of Baltimore. Greeting: Whereas Joshua S. Atkinson, Trustee, of William C. Spindler hath lately exhibited his Bill of Complaint before us, in our High Court of Chancery against Eleanor E. Spindler and others, And whereas we have by our writ lately commanded the said defendant to appear before us, in our said Chancery — at a certain day to answer the said bill but forasmuch as the said Eleanor E. Spindler is an infant under age and cannot answer the said Bill nor defend this suit without having a guardian assigned in that behalf, Know ye, therefore that we have given unto you full power and authority, in pursuance of the special order in our said Court to assign and appoint a guardian for the aforesaid infant and to take the answer of the said infant by such guardian to the said Bill and therefore we command you that at such certain day and place as you shall think fit, you go to the said defendant if she cannot conveniently come to you and assign and appoint a guardian for the aforesaid infant and take the answer of the said infant by such Guardian to the said bill on such Guardian's Corporate oath upon the Holy Evangels to be administered by you, the said answer being distinctly and plainly wrote and when you shall have so taken the said answer, you to send the same closed up under your seal together with your certificate of your having assigned and appointed such guardian as aforesaid, and this writ unto us in our said Chancery

(Seal) Witness the Honorable Theodorick Bland Chancellor this twenty fifth day of May. Anno Domini 1846.

Test: Louis Gaskaway. Reg: Cur: Can.

To the Honorable Theodorick Bland Chancellor of Maryland.

The Undersigned respectfully returns that pursuant to the authority vested in him by the foregoing commission he did on the first day of June in the year Eighteen hundred and forty six assign and appoint John W. Richardson Guardian to the infant in said Commission named and did take the answers of the said infant by the said Guardian on his corporal oath by the undersigned administered which answer hereto annexed is herewith returned together with said commission.

Witness my hand and Seal this first day of June 1846.

John Hanan Com^r (Seal)

The Answer of Eleanor E. Spindler an infant under the age of Twenty one years by John W. Richardson her guardian in that behalf specially appointed to the bill of Complaint of Joshua S. Atkinson Trustee of William C. Spindler against said defendant and others in the Court of Chancery exhibited.

This Defendant answering by her guardian aforesaid to the said bill of Complaint says that she does not admit the truth of the several matters and things charged and set forth in said bill and pray that the Court will protect her interest in the premises and she prays to be hence dismissed with her costs and so forth.

John W. Richardson Guar^n.

John W. Richardson the Guardian above named makes oath on the Holy Evangels of Almighty God that the matters and things stated in the foregoing answer are true, to the best of his knowledge and belief. Sworn to before