and the relief prayed, and they pray that they may be allowed the benefit thereof as fully in every respect as if the same were specially and formally pleaded in bar. And denying all charges of combination with which they stand accused by said bill they pray hence to be dismissed and so forth, without that &c.

J. Nelson Solr. for Resptts

Maryland, Baltimore City, Sct: On this 14th day of July 1846 personally appeared William C. Spindler and Berthia Spindler before the subscriber a Justice of the Peace and made oath that the matters contained in the aforegoing answer are true as therein stated to the best of their knowledge and belief.

Sworn before.

Edwd. J. Peters.

And at the same term came the Complainant aforesaid and filed in the said cause his exceptions to the answer of the defendant James Phillips Senior in the words following to wit:

Atkinson vs. Phillips and others. — In Chancery. To the Honorable the Chancellor of Maryland. The Complainant prays leave to except to the answer filed by James Phillips Senior one of the defendants in this cause for the following reasons, viz.

1st For that the said Phillips has stated generally in his answer that he became the purchaser of the property mentioned in the bill of Complaint as having been sold at Sheriffs sales and paid the sums of money that he bid in cash and got the Sheriffs deeds but he hath not particularly answered as interrogated in said Bill when he paid the said sums of money respectively and how and to whom and whether personally or by an agent and by whom and whether the same has ever been repaid and whether there is or was any agreement that the same should be repaid.

2nd For that the said Phillips hath not answered and said whether he 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 27th day of March 1834 to the fifteenth day of January Eighteen hundred and thirty five.

3rd For that the said Phillips hath not answered when in what manner he paid the consideration mentioned in the bill of sale dated on the Eighteen day of April Eighteen hundred and thirty four and if paid personally by the said Phillips or through an agent and if through an agent who the agent was and whether the same was ever repaid or agreed to be repaid to said Phillips.

4th For that the said Answer is in other particulars insufficient

Dobbin and Talbott for Complt.

And thereupon the Chancellor passed the following order

In Chancery 8th September 1846.

Ordered that the within exceptions stand for hearing on the 10th day of October next provided a copy thereof be served on the defendant Phillips or his Solicitor before 24th of this month.

Theodorick Bland Chancr.

And the said cause thus standing was continued until the next Term of the said Court, At which next term to wit. September Term 1846 there was filed in the said cause the following affidavit:

Atkinson vs. Phillips &c. — In Chancery. On this tenth of October 1846 before me the subscriber a Justice of the Peace in and for Anne Arundel County. W. A. Talbott made oath that a copy

of the exceptions filed by the Complainant in the above cause to the answer of James Phillips and of the Chancellor's order thereon was served on J. J. Speed Esquire Solicitor of said Phillips before the 24th day of September last and that deponent had an admission in writing of said service which he has mislaid.

Sworn before. William Glover.

And afterwards at the same term the Solicitors of the Complainant aforesaid filed in the said cause the following admission.

Atkinson vs. Phillips &c. — In Chancery. Admit service of a copy of the exceptions filed in this case and order thereon. To the answer of James Phillips.

15th September 1846. J. J. Speed Solr. for Phillips

And afterwards at the same term the Chancellor passed an order in the said cause in the words following to wit:

In Chancery 29th October 1846.

The foregoing exceptions standing ready for hearing and having been submitted on notes by the Solicitors of the parties the proceedings were read and considered. Whereupon it is ordered that the several exceptions to the answer of the defendant James Phillips Senior be and the same are hereby sustained and the said defendant is hereby required to make and file a good and sufficient answer to the said Bill of Complaint on or before the tenth day of December next, and that the said defendant pay unto the said plaintiff the costs of the said exceptions to be taxed by the Register including a Solicitors fee.

Theodorick Bland Chancr.

And the said cause thus standing was continued until the next Term of the said Court. At which next Term to wit: December Term 1846 the Counsel of the defendant James Phillips filed in the said cause the following direction to the Register.

Atkinson vs. Phillips &c. — In Chancery

Mr. Register: The Defendant Captain James Phillips being in South America not to return for several weeks it has been arranged between myself & Mr. Dobbin that the time for filing the amended answer is to be extended till his return.

25th Decr. 1846. J. J. Speed for Phillips

And the said cause thus standing was continued until the next Term of the said Court. At which next Term to wit: March Term 1847 came the defendant James Phillips Senr. by his Counsel John Nelson & Joseph J. Speed Esquires and filed in the said cause his further answer to the said Bill in the words following to wit: The further answer of James Phillips to the Bill of Complaint of Joshua J. Atkinson Trustee of William C. Spindler in the Court of Chancery exhibited. This respondent in further answer to said Bill of Complaint and in compliance with the order of this Honorable Court passed in the matter of the exceptions to the Original answer of this Respondent filed by the complainant answers and says. In regard to the matters alleged as the first of said exceptions. That this Respondent became the purchaser of the property mentioned in the Bill of Complaint as having been sold at Sheriffs sale and paid the sums of money that he bid in cash, and obtained the sheriffs deeds therefor as is alleged and set forth in his Original answer filed in this cause. That said payments were made at the times and in the manner following viz.