in fact of the existence of any outstanding lien encumbrances or unpaid purchase money and believing themselves bona fide against the property except the claim of J. Tickey & Sons then pending in your Honorable Court and which these respondents have since liquidated, they became the purchasers of the said for the true and valuable consideration mentioned in the Deed and Marks Complainants Exhibit B and which they pray may be taken as part of this their answer.

And these respondents further answering say that although it appears to have been agreed between the parties to the deed of the 13th of November 1854 to execute the same yet the fact is at that time, it was only signed by said Mark and wife the alleged equitable owners and that Sellers and wife in whom the legal title was did not sign and execute said deed till the 9 day of February 1857 and the same was duly acknowledged on the 17 day of that month as appears by the deed itself.

And these Respondents are advised that as said Mark only pretends to have been the equitable owner of the property and which pretension these respondents do not admit) he is not entitled to claim the benefit of the Vendors lien and they are further advised that as much as they say the deed of the 13 of November 1854 was duly acknowledged and recorded within the time required by the statute in such cases, yet Sellers and Wife, the owners of the legal title dated the deed of May 23d 1857 was duly acknowledged and recorded that your Respondents having paid the consideration money therein recited and having no knowledge actual or constructive of any lien or incumbrance your Respondents are bona fide purchasers for valuable consideration without notice of the alleged unpaid purchase money and ought to be protected in the preservation of their rights in the premises.

Wherefore your respondents deny all and all manner of fraud and pray to be hence dismissed with their reasonable costs in this behalf sustained.

A H Hobbs Depty Solr

Edward Dr Watkins.

File this answer &c A. H. Hobbs Depty Solr

Lemuel Mark
vs
Cresson Stewart &c

Dr Watkins Issue Commission to take testimony in the above cause to William M Price

Feby 20 1859.

Wm H G Dorsey Solr for Complt
A H Hobbs Solr for Defendants

Maryland Sct The State of Maryland To William M Price of Baltimore City

Greeting. Know, that we have appointed you to be our Commissioner, to examine Witnesses in a cause depending in our Circuit Court for Howard County sitting as a Court of Equity between Lemuel Mark Complainant, and William H. Cresson David Stewart and Richard Peterson Defendants. We therefore require you having first taken the oath hereunto annexed and also administer the annexed oath

to the person whom you shall appoint as Clerk to attend the execution of this Commission that at such time and place as to you shall seem convenient you cause to come before you all such witnesses as shall be named and produced to you by either the complaintiff or defendant, and that you examine them on their respective oaths to be by you administered upon the Holy Evangels of Almighty God touching their knowledge or remembrance of any thing that may relate to the cause aforesaid and that you cause notice to be given to the parties or their Attorneys of the execution of this Commission before you execute the same and having reduced the depositions of the Witnesses so taken by you into writing you send the same with this your Commission also under your hand and seal to us in our Circuit Court for Howard County sitting as a Court of Equity with all convenient speed, Witness the Honorable Nicholas Brewer Chief Judge of the Circuit Court for Howard County this 20 day of Decr 1859.

W W Watkins Clk

Commissioners Oath

You shall according to the best of your skill and knowledge duly faithfully and without partiality to any or either of the parties take the examinations and depositions of all and every Witness and Witnesses produced and examined by virtue of the Commission hereunto annexed upon the interrogatories now or which 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 Wm M Pinney Justice of the Peace of the State of Maryland in and for the City of Balto

State of Maryland Baltimore City Sct

I hereby certify that William M Pinney Esquire before whom the annexed affidavit was made and who has thereto subscribed his name was at the time of so doing a Justice of the Peace of the State of Maryland in and for the City of Baltimore duly commissioned and sworn.

In testimony Whereof I have set my hand and affix the seal of the Superior Court of Baltimore City this 21 day of March 1860.

(Seal)

Jer C Langston Clk of the Superior Court of Baltimore City.

Clerks Oath

You shall duly faithfully and without partiality to any or either of the parties in this cause take write down and transcribe the depositions of all and every the Witness and Witnesses produced before and examined by the Commissioners named in the Commission hereunto annexed as far forth as you are directed and employed by the said Commissioners to take write down and transcribe the said depositions or any of them So help you God.

The following papers were filed with the Commissioner and returned with the Commission

Mr Lemuel Marks
vs B M Pinney Dr