his brother Alexander Gifford, and that the said John T, upon the portion of said indebtedness against him James obtained a Judgment in the Court of Common Pleas for the sum of $144.54 on the 11 day of June 1857 and for the balance thereof he on the 17 day of April 1858 obtained a Judgment against him and Alexander in the said Court of Common Pleas by Confession upon Bonds to be filed, That the said John T did by an instrument of writing dated the 3rd day of June 1859 sell and assign unto your Orator all his interest in the indebtedness aforesaid, as well as all Claim or demand he might have against the said James T, and Alexander by virtue of the two Judgments aforementioned or on any other account whatsoever, That the said James T was at the time the said indebtedness arose and during the year 1855, indebted to divers other persons in large sums of money to Wit five thousand dollars, That the said James T was in the years 1853, 1854 and 1855 the owner of a leasehold interest in a Certain Lot of Ground and improvements thereon situated in the City of Baltimore on the North side of Fayette Street having a front of Twenty five feet and a depth of one Hundred and Seventy five feet, designated as No 188 East Fayette Street and worth about Two thousand and five Hundred dollars and owned no other property or thing of value,

That the said James by deed dated December 14th 1855 and recorded among the land Records of said City in Liber, C. D. No 95 folio 467 &c for the pretended Consideration of the two Hundred and Sixty seven dollars and Seventy six cents conveyed the said ground and premises to Thomas Gifford a brother of the said James T, and that the said Thomas having become embarrassed in his pecuniary Circumstances by deed dated November the 12th 1856 and recorded as aforementioned in said Liber No 106 folio 146 &c for the pretended Consideration of one thousand dollars conveyed the said property to Hugh Gifford another brother of the said James T, in trust however for the sole and separate use and benefit of Ann Elizabeth Gifford wife of the said James T, who was without money or the means of buying for the period of her natural life with full power in her to sell or Mortgage the same,

That the said James T has since the 14th day of December 1855 occupied used and managed the said property as his own and exactly as he had done before that date, that he has since that date either paid or caused the ground rents taxes and other dues to be paid, has kept up the improvements at his own expense and has never paid or accounted with either of his said brothers for the rent or use and occupation thereof, That the said James T on the 17 day of March 1859 applied to the said Court of Common Pleas for the benefit of the insolvent laws of Maryland and that the said Court appointed William H Owan Esquire his trustee to whom he returned no property.

And your Orator finally avers and charges that the two deeds of December the 14th 1855 and November the 12th 1856 aforesaid were without any real or valid Consideration and Colorable merely that they were never executed and accepted by the Parties thereto Mala fide and with the common intent and design to hinder delay and defraud, the Creditors of the said James T out of their just and lawful claims, demands suit or actions, and that the transfer of the property from the said James T to the said Thomas and from the said Thomas to the said Hugh in trust for the said Ann Elizabeth as aforementioned was an effort upon the part of the said James T, to settle the same upon himself and family at the sacrifice of his Creditors, all of which things and actions are contrary to Equity and in fraud of your Orators rights; Inasmuch as your Orator is

remediless in the premises at Common Law and entitled to relief only in a Court of Equity

To the end therefore that the said James T, Thomas Hugh and Ann Elizabeth and William H may each a full and particular answer make to each and every allegation and Charge herein Contained, and more especially that the said James T may state whether or not he was on the 17 day of March 1859 indebted unto the said John T if he was so indebted what was the amount of the indebtedness and how or on what account and when the same arose, What was the whole amount of his indebtedness on the 14th day of December 1855 and to whom was he then indebted and what property or other things of value he owned at that time other than the Lot of ground aforesaid, That the said Thomas may in like manner state whether or not he paid the Consideration money mentioned in the deed of December 14th 1855 and whether or not he was in the year 1856 in embarrassed Circumstances. That the said Hugh may likewise state whether or not he paid the Consideration money mentioned in the Deed of November 12th 1856 and that the said Ann Elizabeth may also state whether she paid the last mentioned money if she did so pay it, may she state when she got it and how or in what manner she obtained the same. That the two deeds aforesaid may be declared void and fraudulent so that the property thereby Conveyed may be sold and proceeds distributed by the Trustee in insolvency, and that your Orator may have such other and further relief as his case may require, May it please your Honor to grant unto your Orator the process of Subpoena against the said James T Thomas Hugh, Ann Elizabeth and William H, Commanding them and each of them to be and appear in this Honorable Court on some certain day thereon named to answer the premises and abide by and perform such Order or decree as may thereon be passed,

And as in duty &c. L M Requeras. Solr for Compltt.

Sworn 6th June 1859.

Edward T Carter

James T. Gifford, Elizabeth Ann Gifford, Thomas Gifford and Hugh Gifford and William H Owan

In Circuit Court for Baltimore City.

By virtue of the annexed Commission issued out of the Circuit Court for Baltimore City in the cause of above entitled to me Frances D Forney directed, I hereby certify that having first taken the Oath to the said Commission annexed I met at my Office No 21 Lexington Street in the City of Baltimore State of Maryland and at the request of the Solicitor of the Complainant assigned Wednesday the 19th day of October in the year 1859 at the hour of 10 o'clock in the afternoon and my Office aforesaid as time and place for the execution of the said Commission,

At which mentioned time and place the Commission met and I then and there proceeded to take the following depositions that is to say,

The Complaint here offers in Evidence and files under the Commission the paper Writings here to annexed marked Complainants Exhibit C No 1 and C No 2.

John T Delcher a Witness of lawful age produced sworn and examined on the part and behalf of the Complainant deposes