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No 10." "Exhibit A. No 11" & "Exhibit A No 12 and referred to in the agreement of the solicitors as having no relevancy to or connection with this case.

5th The complainants except to the answers of Sarah Friend to the 4th Interrogatory giving the declarations of Wm. W. Hoye.

6th The Complainants also except to the answers to Meshac Browning & Jeremiah Enlow to the 9th & 10th interrogatories in chief and to the answer of Wm Browning and Nat Casteel to the 10th Int. in chief upon the ground that it is an attempt to set up by parole a secret trust in lands.

7th They except to the answer of N. Casteel to the 9th Intg in chief as being hear say.

8th They also except to the answer of Geo. W. Devecmon to the 14th Cross Interrogatory, as being irrelevant and as attempting to contradict the consideration stated in the deed from Armstrong & wife to John Hoye, and also in the deed from John Hoye to Devecmon & E. Hoye, as trustees; and also as an attempt to show that it was in fact an exchange of lands.

9th They also except to the answer of said Devecmon to the 20th Cross Interrogatory, as giving the written declarations of John Hoye in his own favor.

10th They also except to the endorsement made by John Hoye upon the paper enclosing the patents for "The addition to the Hotel" — "Shepherds Tent" "Williamsburgh" "Western Territory" "Underdoff" "Curcus", because it is merely the declarations of John Hoye in his own favor

11th They also except to Exhibits A No 13, A No 14, A No 15, A No 16, A No 17, A No 18, A No 19 and the endorsements thereon, because is is parol evidence to effect the title to lands.

George A. Pearre,
Thomas Devecmon,
Solicitors for Complainants.

And afterwards to wit on the 5th day of October in the year last aforesaid the Court, Honorable Josiah H. Gordon as special Judge filed in the cause here its opinion in the words following to wit:

Catherine Ridgely, et al vs George Smith Executor of John Hoye and others	No 840 In the Circuit Court for Allegany County.

The material facts stated in the bill of complaint in this cause and admitted in the answer are as follows.

Paul Hoye died about the year 1816 leaving his will executed the 9th day of April 1813 by which he divided certain property real and personal which is now in controversy to his son John Hoye and Leonard Deakins, In trust to permit

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the children of my son William W. Hoye to have the use and enjoyment of the said tracts of land together with the stock negroes and farming utensils and to have receive & enjoy the rents issues and profits of the same jointly and for their mutual benefit and support but no part thereof to be subject to any debts of William W. Hoye.

Which trust was to "continue and be in force until the death of my said son William W. Hoye and until his younges child shall arrive at lawful age, when it is my will and direction that the aforesaid land and negroes with their issue shall be equally divided amongst the children of my said son William W. Hoye or their representatives.

And further that the said trustees should have the legal possession, management and direction of the said lands and negroes and the increase thereof to and for the support and benefit of the children of my said son William and likewise may at their discretion allow my said son William any part of said tracts of land and negroes and the increase thereof, as from time to time they may think prudent & proper.

John Hoye one of the executors proved the will and took out letters testimony in the year 1816, but letters were never granted to Deakins the other executor. William W. Hoye had 18 children and died in the year 1834 leaving them all surviving him except William W. Hoye who died intestate and without issue in the year 1825, three of the others died unmarried intestate and without issue before the commencement of this suit, Marion D. Hoye the youngest child of William W. Hoye was born the 24 day of July 1834 and is now of lawful age. During the continuance of the trust created by the will of Paul Hoye, John Hoye the sole executor & trustee purchased from five of the children of William W. Hoye all their respective interests in the trust estate which were conveyed to him by their several deeds as follows, Viz: Catherine Ridgely's deed bearing date 13 Decr 1848 for the consideration of $300, Tabitha Townshend's deed bearing date 3 June 1844 for the consideration of $300 Maria Armstrong's deed bearing date 17th August 1848 for the consideration of $300, Mary Ann Drane wife of Marine Drane deed bearing date 22 February 1845 for the consideration of $1400.

Ellen Drane and George W. Drane's deed bearing date 25 April 1837 for the consideration of $500. This latter deed also conveyed the interest of Samuel Hoy what had been sold to Drane at Sheriffs Sale, Each of these parties also conveyed to the trustee by the same deed and for the same consideration all their respective interests in the State of William W. Hoy.

The object of the suit is to set aside these deeds upon the ground that they were fraudulent having been obtained by the trustee from his cestui que trusts during the continuance of the trust —