

The following answer of Frances A Knott & wife was filed Augth 11-1854

N^o 2558 Equity

Joseph Eastenray & wife

vs

Frances A Knott & wife

and Others - - -

In the Circuit Court for Frederick-County sitting as a
Court of Equity July Term 1854.

The further answer of Frances A Knott and Ruth his wife
in this cause filed to meet and gratify the exceptions
of the Complainants - taken to their first answer. these respondents being sincerely
desirous of preventing unnecessary Controversy and of arriving at the true merits
- and procuring all proper relief according to Equity and the Course of this Court
touching the matters properly Cognizable by this Court upon the Case as made
by the Bill - Protesting Nevertheless - that they have already well and sufficiently an-
swered every material fact set forth in said bill to which they might be required
to make positive answer and protesting further that the averments in said
bill made in the words following viz That it will be for the Interest & advantage
as well of your orator and oratrix, and of the said Frances A Knott & Ruth his
wife, and also of the said Frederick, Edward L and John M^d Cunningham the
said Infants - that the said lands and premises should be sold and the proceeds
of sale divided amongst said heirs at law of said Frederick Slagle in the pro-
portions in which they are entitled thereto' It is an immaterial irrelevant -
and an unnecessary averment, in the Case as disclosed in said bill & one which
cannot affect the rights of the parties nor the form of remedy to be applied to
the Case, therein set forth in as much as the facts in said Bill disclose a Case
for partition by Commissioners, under the act of this State to direct descents &
not a Case of a joint tenancy or tenancy in Common - and that therefore the
answer of these respondents already filed in this Cause & to which exception has
been taken is in point of fact Complete Certain, and sufficient and above all -
just exception yet these respondents waving their right to stand upon the suffe-
ciency of their just answer freely submit to answer further' And in addition -
to the several matters & things, and ground of defence set forth - in their former
answer, which they here pray to have considered & incorporated with this - their
supplemental answer & that the two, may constitute their entire answer & defence
to said bill in so far as they are now required to make defence in the present stage
of the ~~cause~~ Cause further answering say - That your respondents are not sufficiently
advised, and are entirely ignorant whether it would be for the Interest & advan-
tage of the Complainants - that the Real Estate mentioned in the bill would be
sold, and the proceeds divided among the parties entitled they therefore cannot
admit nor deny the same further than to say - That in as much as the said Com-
plainants ought to be the best Judges of their own Interest your Complainants
are ready to admit - that it would be for the Interest of said Complainants as they
have so averred - your Complainants further answering say that they are entirely
ignorant of the Circumstances which might operate on the Interest of the said
Infant defendants Edward John M^d & Frederick Cunningham & in as much as
interest and advantage is matter of Speculation & opinion, dependent upon many
Collateral Circumstances and not matter of Certain and Determined fact your
respondents are unable to say positively, and do not know, whether it would, or not be
for the Interest, and advantage of said Infant defendants to sell said Real Estate they
are therefore unable to answer more distinctly and positively as to the Interest
of said Infant defendants, your respondents further answering say - that so far
as their own interests are concerned they have not sufficient information -