

August Eighteen hundred and fifty eight, and recorded on the 25 day of August in the same year, these defendants further state, that the several debts intended to be secured by said deed of mortgage are still due and unpaid. >

These defendants admit the death of Abraham Williard, that the complainants are his Executors and that Exhibit C. in said Bill is a true copy of the Will of said Abraham Williard, >

These defendants further admit Exhibit A. B. C. in said Bill to be a true copy of the judgment recovered by John Herring of C. against the said Peter Young of S. > These defendants further state that at the date of the Execution of the said mortgage from said Peter Young of S. to said Abraham Williard at the time of the recording thereof, he the said Abraham Williard, had express notice of the execution by Peter Young of S. to your defendants of the mortgage exhibited in the said Bill of Complaint as Exhibit A. B. and that the said Abraham Williard received his said mortgage which is Exhibited in said Bill as Exhibit A. under an express agreement and understanding that the mortgage executed to your defendants by said Peter Young of S. was and should be entitled to priority of lien - and said Peter Young of S. duly executed the said mortgage to said Abraham Williard under such express understanding and agreement. >

These defendants are willing that the said mortgages property should be sold under the decree of this Court, under the express agreement that all questions as to priority of lien of said mortgages should be reserved by the decree to be adjusted before the Auditor, with liberty to take proof of the alleged facts before the auditor. >

Wm J. Ross - Wm P. Maulsby
Sols. for Defendants.

The answer of Peter Young of S. to the Bill filed by Peter Williard and William S. Herperger Executors of the last will of Abraham Williard filed in the Circuit Court for Frederick County in Equity. >

This defendant admits the several Exhibits filed in said Bill to be true copies of the instruments - they purports to be. > This defendant states that when he executed the mortgage to Abraham Williard Exhibited in said Bill it was with full knowledge on the part of said Abraham Williard of the existence of the prior mortgage to the defendants a copy of which is Exhibited in said Bill marked Exhibit A. B. - and with the express understanding between this defendant and said Abraham Williard, that said mortgage to the defendants described in said deed of mortgage marked A. B. should be entitled to priority of lien. >

This defendant admits the several debts and interest mentioned in said mortgages to be due and owing and consents to a decree for a sale of the same. >

Wm J. Ross
Sols. for Defendant

Peter Williard, William S. Herperger
Executors of A. Williard dec'd. >

Hanson Ransburg, Peter Young of S.
John Herring of C. and others.

No. 2849 Equity. >

In the Circuit Court for Frederick County, sitting as
a Court of Equity. >

The separate answer of John Herring one of the Defendants to the bill of Complaint of Peter Williard and Wm S. Herperger as above stated. > This defendant owing to himself now and at all times hereafter all and all manner of Exception to the complainants said bill of Complaint, he answers and says that he is willing to admit the Execution of the mortgage deeds Exhibited in this case marked Exhibit A and A. B. given to Abraham Williard now deceased, and to Hanson Ransburg and others. > This defendant states further for answer that he has obtained a judgment against the said Peter Young of S., which is a lien on the Equity of redemption, and after said mortgage debts shall be paid and satisfied he claims that the sum of money due on his judgment shall be paid. > This defendant has no objections to make to

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