

State in and for the said City personally appeared Jacob Margaret Fitzhugh and made oath on the Holy Evangelists of Almighty God that the matters and things stated in the foregoing petition are true to the best of his knowledge & belief

Subscribed

Wm. H. Hayward J. P.

I hereby certify that William H. Hayward Esquire before whom the aforesaid 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

Seal

In testimony whereof I hereby set my hand & affix the seal of the Superior Court of Baltimore City this 17th day of August A. D. 1859

Geo. C. Spangston Clerk of the Superior Court of Baltimore City

Charles E. Graie } N. 2805 Equity in the Circuit Court for
Petitioners } Frederick County as a Court of Equity
Peggy Fitzhugh & others }

By the Hon. M. Nelson Judge of the Circuit Court for Frederick County sitting in Equity

The answer of Jacob M. Kunkle to the Petition of Sarah M. Fitzhugh App

This Respondent having seen and read the petition of said Sarah M. Fitzhugh and account of the insufficiency and uncertainty thereof for answer unto so much thereof as is material saith that the mortgage instrument set forth in said petition dated 6th day of June 1857 is subsequent in date to the equity herein as claimed by your Respondent on the proceeds of both real and personal estate belonging to the late firm of Fitzhugh & Kunkle your Respondent relying upon each and every allegation contained in his petition heretofore on the 19th March 1859 filed in this cause and is nowing retracting any part thereof nevertheless saith that he claims an equitable lien as creditor Copartner upon all the real and personal estate and the proceeds thereof belonging to said firm of Fitzhugh & Kunkle as he is prepared to show said firm is largely indebted to him upon a final settlement of all accounts and he has no other remedy for the recovery of said indebtedness inasmuch as said Copartner is utterly insolvent and has obtained the benefit of the Insolvency Law of Maryland since the dissolution of said Copartnership and because as your Respondent is