

Subpoena

Maryland Jct.



The State of Maryland, to James L B Gosnell and Adeline Gosnell his wife and John Stewart of Baltimore City, Greeting, You are hereby commanded that all excuse set apart you personally appear before the Judge of the Circuit Court for Frederick County sitting as a Court of Equity to be held at the Court House in Frederick Town in and for said County, on the 2nd Monday of May next to answer the bill and complaint of Geo E Falbott and Mary F Falbott his wife and Lemuel W Gosnell against you in said Court exhibited, and so forth.

Witness the Honorable Richard J Bowie, chief Judge of our said Court the 16th day of Feby. 1874 Issued the 29th day of April 1874

To the Sheriff of Baltimore City Md.

Endorsed: "Summoned" Aug. Albert Hoff.

Thomas Gosnell Clerk.

Filed May 11. 1874

Answer of John Stewart Trustee

To the Honorable the Judge of the Circuit Court for Frederick County, sitting as a Court of Equity.

The answer of John Stewart Trustee to the bill of Complainant of George E Falbott and Mary F Falbott his wife and Lemuel W Gosnell against him and others in this Court exhibited.

This Respondent answering admits that James L B Gosnell was seized and possessed of certain Lands in Frederick County referred to in said bill and being so seized and possessed the said Gosnell and wife did convey to your Respondent the said Lands in trust as will more fully appear by reference to Complainant's Exhibit No 1.

And for further answer he saith that he believes that the purchase money or the greater part thereof was the property of Mrs Sally Ann Gosnell the mother of the Complainants Mary F Falbott and Lemuel W Gosnell as charged in said bill and that it was to secure the said land, so purchased, that the said conveyance was made to the Respondent This Respondent for further answer alleges that on the 28th day of January A.D. 1868 by virtue of a decree of the Circuit Court of Baltimore City he did lease the said land to James L B Gosnell at and for the sum of Two hundred and Forty dollars per annum or the interest on the principal sum of Four thousand dollars and that the said principal sum is due and payable by the said James L B Gosnell when the youngest of the cestui que trusts attains the age of twenty one years as will more fully appear by reference to a copy of the proceedings in the said Circuit Court of Baltimore City wherein your Respondent was the Complainant and James L B Gosnell and others were respondents which copy is herewith filed and marked Respondents "Exhibit A" prayed to be read and taken as a part of this his answer. This Respondent further answering avers that he is ready and willing to convey the fee simple in said Land to the Complainants so that they may assert their own rights but that in his opinion he has no right to sell the same as his functions as trustee ceased with the majority of the youngest of the Cestui que trusts and that they should be the proper parties to institute proceedings for the recovery of the said principal sum