

Answer of
William S. Miller

No. 6055. Equity. }
William Crawford Johnson }
Virginia Burby, executrix }
of Christian A. Burby, dec'd }
and others. }
In the Circuit Court }
for Frederick County, }
in Equity.

Answer of William S. Miller
The Answer of William S. Miller to the Bill of Complaint filed in the above entitled
Cause against himself and others, answers and says,
First, That this respondent admits all the allegations and charges contained in
the various paragraphs in said bill, to be true as therein stated and charges
Second, And this respondent further answering says that many years ago
to wit, in the year 1865 or prior thereto, this respondent and a certain Jacob
Mc. Burby, who was the father of said Christian A. Burby, Thomas A. Burby,
Annie Mc. Gallion and Francis V. Banister, purchased of George Shibly trustee
in No. 1782. Equity certain tracts of land being designated as Lot No. 4, and
Lot No. 5, part of Lot No. 13, of a tract of land situated in Frederick County, called
"Fieldcrest," and which was conveyed to this respondent and the said Jacob
Mc. Burby, by the said George Shibly, trustee, by his deed dated on the 10th day
of April, 1865, of which exhibit C. 1, is a certified copy, that during the lifetime
of the said Jacob Mc. Burby, this respondent and the said Jacob Mc. Burby
had a parcel division of said lots, the said Jacob Mc. Burby taking, using
and enjoying Lot No. 5, and your respondent taking Lot No. 4, and using
and enjoying the same in severalty, and which is the same lot of land
which the said Christian A. Burby obtained in part by inheritance
from his father Jacob Mc. Burby, and obtained by deed from Thomas Burby
and others by mistake as Lot No. 4.
Third, That this respondent has no interest in the said lot more than the
fact of the legal title being in his name and that of the said Jacob Mc. Burby
and he disclaims all interest in and to the proceeds of the sale of said lot
and agrees that whatever interest he has may be sold under and by virtue
of a decree to be passed by your Honorable Court.
Filed January 9th 1873. Wm S. Miller

Answer of
Charles C. Nail

Answer of Charles C. Nail

William Crawford Johnson }
Virginia Burby, executrix }
of Christian A. Burby, dec'd }
and others. }
No. 6055. Equity }
In the Circuit Court for Frederick County, }
in Equity.

The Answer of Charles C. Nail to the Bill of Complaint
filed in the above entitled Cause against himself and others, answers and
says
First this respondent admits all the allegations and charges contained
in the various paragraphs in said bill to be true as therein stated and charges
Second, And this respondent further answering says that he admits that
the said Christian A. Burby was in his lifetime indebted to this respondent
in the sum of Six thousand dollars, which said indebtedness was
secured by a mortgage on the real Estate mentioned and described
in the proceedings, that said mortgage debt is still due owing
and unpaid with interest thereon from the 1st day of September 1872.
That this respondent is willing and agrees that said real estate
shall be sold under and by virtue of a decree to be passed by your