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Answer of Duncans

No. 6222 Equity.

The Answer of Enock Duncan and Margaret Duncan to the Bill of Complaint in this cause filed against the unknown heirs of Charles H. Duncan. Special leave of the Court to become parties and file an answer having been first had and obtained.

1. These Defendants answering the first paragraph of said Bill say that they admit that said Charles H. Duncan died in the month of December 1893 and allege the 21st day of said month as the time of his death, and they admit the other facts alleged in said paragraph.

2. Answering the second paragraph of said Bill they admit that said Charles H. Duncan was at the time of his death an adult unmarried and a resident of Frederick County, and that he left no descendants, but further answering say that he left six brothers and sisters whose names, ages, conditions and residences are as set forth in the testimony already taken in this case and who, these defendants are advised are the heirs at law of the said Charles H. Duncan under the statutes of inheritance in the State of Maryland, and further answering said paragraph these defendant say that they believe that the names of said brothers and sisters were unknown to the Plaintiffs at the time of the filing of their Bill.

3. These Defendants answering the third paragraph of said Bill say that they are in entire ignorance of the matters and things alleged therein and can neither admit nor deny the same.

4. That they admit the allegations of the fourth paragraph of said Bill.

5. And answering the fifth paragraph of said Bill they admit the Plaintiffs and the other creditors of said Charles H. Duncans deceased, are entitled to have their claims enforced against said real estate in your Honorable Court, but only after the prior lien of these Defendants hereinafter set forth shall have been first fully paid and discharged, and further answering said fifth paragraph they admit that said real estate is not susceptible of partition without loss and injury.

6. And further answering said Bill of Complaint these Defendants say that said Charles H. Duncan was at the time of his death and for a long time prior thereto an employe of the Baltimore & Ohio Railroad Company and had his life insured in the Relief Department of said Company for the benefit of the Defendants who are his parents, and that he had given a mortgage upon the real estate mentioned in these proceedings to the Real Estate and Improvemento Company of Baltimore City, for the sum of Eight Hundred dollars and that by an article of agreement entered into by and between the said Real Estate and Improvement Company the Relief Department of the Baltimore & Ohio Railroad Company, Charles H. Duncan and these Defendants, the Beneficiaries of said insurance, the interest of said beneficiaries under said insurance in case of the death of said Charles H. Duncan was pledged and assigned as an additional security for the payment of said mortgage debt so far as necessary for that purpose and that at the time of the death of the said Charles H. Duncan there was a balance due on said mortgage debt of $694.68 and the proceeds of said insurance were $750. and that by virtue of the agreement aforesaid the sum of $694.68 of said insurance proceeds was applied to the payment of said mortgage debt and the balance of said insurance money $55.32 was paid to