dollars and thirty three cents, as the amount due and owing this defendant on the said original Judgment; and upon the said Verdict so rendered there was a solemn Judgment of the said Circuit Court rendered and passed, without any objection or question by the said defendants Executors as aforesaid; all of which said proceedings will more at large appear by an authenticate record thereof, filed as Exhibit No 3, and which is prayed to be taken and considered as part of this answer. And this defendant further avers that Judgment was rendered against the said James B Dill also at the said adjourned session of the Inferior Court of the said Circuit Court as aforesaid, without any objection whatever, and without his at all insisting upon the amount of the said forged receipt for $2000 as aforesaid, as will also appear from the said Record hereunto filed as aforesaid. And this defendant insists that the said Verdict and Judgment rendered under the circumstances and facts before stated ought not to be disturbed or in the least interfered with. That the said complainants the defendant Executors as aforesaid had the amplest opportunity of getting the benefit of any proper credit to be allowed, or which were proper to be allowed on the said original Judgment, made as well before as since the rendition of the said original Judgment but the said Executors defendants, now complainants, not only neglected such opportunity but actually refused and objected to allowing the benefit of such credits, for the express purpose of making the supposed ground for further litigation in regard thereto. That the said Executors never proposed or offered or made any effort to prove and have allowed as a credit the said $2000 receipt which this defendant avers to be forged as aforesaid, nor did they summon a single witness to attend the said trial. All which conduct acting and doing on the part of the said Executors now complainants, this defendant is advised and insists ought and will preclude the said complainants in a Court of Equity from the relief prayed. And this defendant in further answer to the said Bill of complaint insists that he did, after the rendition and Judgment thereon as aforesaid cause to be issued on the said Judgment a Fieri Facias which was placed in the hands of John Hunter the then Sheriff of Washington County, and that the said Sheriff proceeded under the said Fieri Facias levied thereon upon the said undivided fifth parts of the said Real Estate purchased of the said James B Dill by the said William Dill, as aforesaid, and the said Sheriff, after making the said levy advertised the said undivided fifth parts of the said Real Estate for sale, as will appear by a copy of the said advertisement filed by the said Complainants with their said Bill of Complaint. And this defendant in further answer to the said Bill of complaint avers that one of the said undivided fifth parts of the said Real Estate sold by the said James B to William Dill as aforesaid the said James B Dill purchased of this defendant some time in the Spring of the year 1839 and that it was for the purchase money of the same that the Bond was given this defendant upon which the said James B Dill confessed the original Judgment of November Term 1847 as aforesaid; and this defendant avers that the said William Dill after the rendition of the said Judgment of 1847 as aforesaid purchased the said undivided fifth part of the said Real Estate of the said James B Dill with knowing of the existence of the said Judgment and that the same was for the purchase money due this defendant for the said undivided fifth part of the said Real Estate sold by this defendant to the said James B Dill as aforesaid and by the said William Dill purchased of the said James B Dill as aforesaid; that the said William Dill purchased as aforesaid, with full notice and knowledge of all the circumstances attending the sale by this defendant to the said James B Dill and that the purchase money was still due and owing as aforesaid and that the subsequent purchasers thereof purchased with like notice and knowledge

and in conclusion this defendant further states and insists that the injunction granted in this cause upon the Complainants Bill ought not to have issued because all the time of the granting and issuing of the said injunction many of the most important Exhibits referred to in the said Bill of Complaint were not filed, and were not filed in the office until the 4 day of February last, more than a month after the filing of the said Bill of Complaint and that some of the exhibits referred to are not filed to this day. This defendant also insists that James B Dill is a material and important party to this cause, and that the said Bill is defective in not making him a party thereto. And this defendant insisting that the said Injunction therein granted ought to be dissolved, and that it was made as the said Complainants have in good ground for relief in this Court that the said Bill of Complaint ought to be dismissed with costs to this defendant. And as in duty bound this defendant will ever pray &c

Cyrus Houston.

R Holley and
George Schley Solrs for deft.

State of Maryland Washington County set. Be it remembered that on this 4 day of March in the year 1863 before me the subscriber a Justice of the Peace of the State of Maryland in and for Washington County personally appeared the above named Cyrus Houston and made oath in due form of law that the facts matters and things stated and set forth in the within and aforegoing answer are true as therein stated to the best of his knowledge and belief.

Thomas Cherles J. P.

Exhibit No 3 referred to in the foregoing answer being a copy of the Record in the Same Suit was not being ready to be filed because not yet made out by the Clerk it is agreed that the said Exhibit shall be filed as of the time of filing the answer as soon as the said Clerk shall have the said Exhibit made out and ready to be filed;

Alex Neill Solr for Complt
R Holley Solr for deft.

Here follows the Exhibits mentioned and referred to in the foregoing answer of Cyrus Houston to Wit

Exhibit No 1.

In Washington County Court Nov 5 1847

Cyrus Houston
vs
All orders made to appear to J Nesbitt to be entered
No references to declines to act

James B Dill

Debt Bond Power of Atty Mortgage Confession Judgment by confession to Mortgage for $6000 Debt and $10,000 Damages &c Debt & Damages to be released on payment of $4000 with interest thereon from the 24 day of May 1839 the bond and costs.

Nov 24th 1847.

True copy. Test Isaac Nesbitt Clk

I do certify that the foregoing is truly taken from the Record of proceedings of the County Court of said State by authority my name and seal of the Circuit Court for Washington County this 24 day of January 1860.

(Seal) J Nesbitt Clk

Exhibit No 2