

Robert Carter Lothrus

vs

James Inghart Lothrus

In Chancery

To The Honorable Theodorick Bland
Chancellor of Maryland

The Supplemental ^{and amended} bill of Robert Carter and William
G. Carter, William J. Hyde John Easton of John and Hamilton
Easton and John S. Selby Humbly shews to your Honor
that on or about the third of July
in the present year they filed in your Honorable Court the
original bill against James Inghart, George W. Meier
and William W. Meier complaining, that the said Wil-
liam W. Meier being indebted unto your orators Robert
Carter and William G. Carter on judgment in Anne
Arundell County Court at the April term thereof in the
year eighteen hundred and forty four in the sum of
four hundred and ninety eight dollars and twenty
three cents with interest from the fifteenth day of July
in the year eighteen hundred and forty three and costs
unto your orators William J. Hyde, John Easton of
John and Hamilton Easton, in the sum of two hundred
and nineteen dollars and forty six cents with interest
from the fifteenth day of January in the year eighteen
hundred and forty three and costs on a judgment
recovered in the same Court at the October term of the
same year, unto your orator John S. Selby in the
sum of twelve hundred and eighty two dollars and
thirty eight cents with interest from the thirtieth
of January eighteen hundred and forty five and
costs on a judgment recovered in the said Court
at the said last mentioned term, they had severally

Caused writs of fieri facias to be issued on said judgments on the twenty ninth of April last and placed in the hands of the Sheriff of Anne Arundel County. That by virtue of the said several writs, the said Sheriff levied the same upon all the real and personal property of the said William Wmmer consisting of the House and lot now occupied by him with the furniture and personal property therein, and the furniture printing materials and personal property of every description, the printing office of the said Wmmer including certain unfinished laws and journals, in the said office. They further charged, that the said William Wmmer owned no other property than that so taken to satisfy said writs, except the said printing office which he purchased from one Henry Matthews and wife and which was also answerable for the payment of the said several judgments and that the said house and lot in which the said Wmmer then lived and now lives was purchased by him from certain Trustees for the sale of the real estate of Sarah Murray deceased and afterwards resold by the said Trustees for the payment of a balance due on the purchase money and purchased at said second sale by the Defendant James Lylehart under an agreement between the said Lylehart and the said Wmmer, that it was to belong and be the property of the said William Wmmer on his paying to the said Lylehart the said purchase money together with certain other debts then due and owing to the said Lylehart by the said Wmmer.

And your orators further charged, that all the said property so conveyed upon, as well as the said printing office was bound unto the said James Lylehart and one George Wmmer for the payment of sundry sums of money mentioned in certain mortgages filed with the said bill as exhibits a. b. c. and which were prayed to be made and taken as a part thereof, and that the said William was largely indebted to sundry other persons without having any other property out of which they or your orators could ever hope a expat to be paid, and utterly and hopelessly insolvent. That the said James Lylehart and George Wmmer were both well aware of this condition as well as of the existence of the claims of your orators and thus against him, but that although they were both requested in a friendly way to enforce their said liens, or to allow your orators to sell the said property free from their said liens, they had constantly refused to do so, and that in the mean while in consequence of the cloud thus thrown over the title of the said property your orators had good reason to fear and did fear that if set up at public sale under the said writs of fieri facias, no bidders could be procured. And your orators further charged that the said unwillingness on the part of the said George Wmmer and James Lylehart to proceed as according to right and justice they ought to have done, arose from a belief on their part which your orators believed to be well founded that the property thus mortgaged to them was sufficient for the payment of their claims and so in utter disregard of the rights of your

creditors and of the other creditors of the said William,
They still permitted him to use and occupy for
his own benefit and advantage all the said
property without even exacting from him the pay-
ment of interest on their said claims. And they
further charged that some payments had been
made to the said Tylehart but from what
quarter when or to what extent they did not
know.

And now your orator, by way of amend-
ment to their said original bill, further charges,
That the debt due to your orator, John S. Selby,
is not due to him in his own right, but as trustee
for the sale of the real estate of one Edward
Williams deceased, and that the mortgage
due to the said George W. Mier is not due
to him in his own right but as Guardian
of Hezekiah Washington Coburn. and by way
of supplement, that since the filing of their said
bill, the said William Mier has actually
applied for the benefit of the insolvent laws of
this State and that his son in law Abra-
ham V. Gane has been appointed his trustee
and as such has become a necessary party
to these proceedings.

And your orator, further
charges by way of amendment that it is the
design and purpose of the said William Mier
George W. Mier James Tylehart and
Abraham V. Gane to allow the said insol-
vent debtor William Mier to retain pos-

- Session of all of the said property, although they will know, that such proceedings on their part can only be at the expense of your orators and all the cost of the just creditors of the said William Wmier all which is against equity and good conscience.

Wherefore in as much as your orators are amideless in the premises and can only have recourse in this Honorable Court where this and matters of a like nature are properly cognizable, may it please your Honor to order and decree a sale of the said mortgaged Real and personal Estate so that the proceeds thereof may be applied and distributed according to right and justice and to grant unto your orators such other and farther relief as may be reasonable and just in the premises.

And to the end

That the said James Tylehart, George Wmier, William Wmier, and Abraham V. Dyane may on their Corporal oaths answer as well this amended and supplemental bill as their said original bill of complaint, and answer as particularly as of the several matters contained in each was herein again charge by charge repeated, may it please your Honor to grant unto your orators the states most gracious writ of Subpoena commanding the said William Wmier George Wmier James Tyle

hail and Abraham V. have all of the City
of Umassos under certain penalties and
by a certain day to be Thun named to be
and appear before your Honorable Court
to abide by and perform such order or decree
in the premises as may be passed. And as
in duty bound they will ever praye.

Cornelius W. Swan
Sol for Compt^s