at such assignees to pay the rent reserved in said Deed.
Your Orator as a part of this his Bill of Complaint hereunto files a copy of said Deed marked Exhibit No 2.

Your Orator for the purpose of a clear identification of the particular property agreed to be sold and conveyed by the Commissioners of Allegany County to the said James Twigg and Christopher Kelley as above stated hereunto files a copy of the agreement between said Commissioners and Thomas J. McKaig trustee bearing date upon the 6th day of April 1850 and referred to in the aforesaid agreement between said Commissioners and said Twigg for a more certain description of the land agreed to be sold to them. This last mentioned exhibit your Orator has marked No 3.

Your Orator further represents to your Honor that the said Thomas J. McKaig trustee in pursuance of the aforesaid agreement subsequently conveyed to the Commissioners of Alleganey County the lands and premises to them agreed to be conveyed which will appear by an office copy of a deed of conveyance from the said Thomas J. McKaig to said Commissioners hereunto filed as part of this bill of Complaint marked exhibit No 4.

Your Orator further states that the said James Twigg and Christopher Kelley paid to the said Commissioners the first and second payments reserved for in the articles of agreement so as aforesaid made between them, and that after the death of said James Twigg, the said Commissioners of Allegany County brought suit on the single bill given by said Kelley and Twigg for the last payment of said land and recovered judgment thereon as well against said Kelley as against John Harley executor of the last will and testament of the said James Twigg office copies of which judgments are hereunto filed marked exhibit No 5.

Your Orator further represents to your Honor that the said judgment has been paid one half thereof by the said Kelley and the other half thereof by the said John Harley executor of James Twigg.

Your Orator further represents to your Honor that the said James Twigg departed this life on or about the 20th day of September 1854 leaving a last will and testament an office copy of which marked exhibit No 6 is hereunto filed as part of this bill of Complaint by which he devises to your Orator the half part being the interest of the said James Twigg in the lands purchased as aforesaid from the Commissioners of Allegany County.

Your Orator has been informed and believes that the said John Harley as Executor of the said James Twigg already mentioned having the power conferred upon him by the will of the said James Twigg has assumed unto himself the power and authority as executor of said Twigg to sell the said lands so devised to your Orator and Thomas McDaniels that said Daniels convey the same to and John Young and that the said Daniels as well as the said Harley executor do by their deed to the said John Young office copies of which are hereunto filed marked respectively No 7 and 8.

That the said John Young since said sale to him has been in possession of said lands and has received the rents and profits thereof. That the said Daniels after the pretended sale of the said Harley to him and before the

sale to the said Young was in possession thereof receiving the rents and profits thereof.

Your Orator further represents to your Honor that the Commissioners of Allegany County have not during the life of said Twigg executed a conveyance of said lands to the said James Twigg and Christopher Kelley, nor since the death of said Twigg have they ever executed a deed of conveyance for said lands to your Orator as devisee of said James Twigg and said Kelley and that your Orator not having the legal title to the said lands cannot maintain an action of ejectment therefor or by his title in a Court of Law.

Your Orator further represents to your Honors that during the lifetime of the said James Twigg the said James Twigg and Christopher Kelley made by parol a partition between themselves of the bottom lands in said purchase but made no partition of the upland part of said lands and after such partition and up to the death of said Twigg the said Twigg and Kelley occupied used and enjoyed in severalty the lands so respectively divided between them and after the death of the said Twigg the said Daniels and Young have held in the same manner. Your Orator further represents to your Honor that the Commissioners of Allegany County are unwilling to convey to your Orator as devisee of the said James Twigg the undivided half of said lands unless by the order and authority of your Honorable Court inasmuch as the same is now claimed by the said John Young.

To the End therefore that the Commissioners of Allegany County may by decree of your Honorable Court may be directed to convey unto your Orator an undivided half of said lands so purchased from them, or to hold in severalty that part of the bottom lands held by the said Twigg in his life time under the partition with said Kelley; according to the partition aforesaid and as the particulars and lines thereof may be shown to your Honor in the progress of this cause together with an undivided half of the lands undivided, and that the said John Young and Thomas M. Daniels may severally account with your Orator for the rent and profits of the lands so occupied and used by them and that your Orator may have such other and further relief as the nature of his case may require.

May it please your Honor to grant unto your Orator the writ of Subpoena against the Commissioners of Allegany County John Young Thomas M. Daniels and Christopher Kelley commanding the said Commissioners and each of said parties to appear in your Honorable Court on some certain day to be therein named to answer this bill and abide by and perform such decree as may be passed therein.

George A. Pierce solr for Compt

The Exhibits referred to in the foregoing bill of Complaint are in the words and figures following to wit.

No 1 Articles of agreement made and concluded this 5th day of June in the year of our Lord 1850 between the Commissioners of Allegany County party of the first part and James Twigg and Christopher Kelley of Allegany County in the State of Maryland parties of the second part Witnesseth that the said party of the first part in pursuance of the act of 1852 Ch 284 of the Legislature of Maryland hath this day sold and by these presents doth bargain and sell unto the said parties of the second part their heirs and assigns all the following tracts of land lying and being in Allegany County in the State