forty five, before the subscribers two Justices of the Peace of the State of Maryland, in and for Washington County personally appeared John Davis, party grantor, in the within and aforegoing Indenture and acknowledged the same to be his act and deed for the uses trusts and purposes therein expressed, and we do hereby Certify that from our own personal knowledge we are satisfied that John Davis the person acknowledging as above is the person who is named and described as, and professing to be party grantor in the within and foregoing Indenture or instrument of writing.

Acknowledged before & Certified by
Chas. G Lane Wm. H Handey

Washington County Set.

I hereby Certify that William H Handey and Charles G Lane, Gentlemen before whom the foregoing acknowledgment appears to have been made and who have thereto subscribed their names were at the time of so doing Justices of the Peace of the State of Maryland, in and for the County aforesaid, duly Commissioned and sworn (Seal) In Testimony whereof I hereto subscribe my name and affix the seal of Washington County Court, at Hagers Town this 1st day of October A.D. 1845.

Isaac Nesbitt Clk

Maryland Allegany County, Set;

I hereby Certify that the foregoing is a true Copy taken from Liber H B No. 1 folios 298, 299 & 300, one of the Land Records of Allegany County.

Henry Bruce Clk

Thereupon issued subpoena as prayed for in said Bill of Complaint in form following towit:

Maryland Allegany County towit:

The State of Maryland to the Sheriff Baltimore City Greeting (Seal) You are hereby Commanded to summon Charles W Davis that all excuses and delays set apart, he be and appear before the County Court of Allegany on the 1st day thereof, to be held at the Court House in the Town of Cumberland on the Third Monday of April instant, to answer unto the Complainant of John Davis Junior against John Davis Senior and Charles W Davis, in the said Court exhibited. Herein he is not to fail and fail not at your peril and have you then and there this writ, Witness the Honorable Robert N Martin Chief Judge of said Court the 15th day of October 1845 — Issued the 15th day of April 1846.

Henry Bruce Clk

Semmes.—

At which said Third Monday of April towit, in the year eighteen hundred and forty six, being the return day of the aforegoing subpoena the Sheriff of Baltimore City, to whom the same was delivered to be served, made return thereof to the Court here, thus endorsed towit: " Non est J Hollewell Shff"

Maryland Allegany County towit:

The State of Maryland, to the Sheriff of Washington County Greeting: (Seal) You are hereby commanded to summon John Davis Senr that the all excuses and delays set apart he be and appear before the County Court of Allegany County on the 1st day thereof

to be held at the Court House, in the Town of Cumberland, on the Third Monday of April instant to answer unto the Complaint of John Davis, Junior against John Davis, Senior and Charles W Davis, in said Court exhibited. Herein he is not to fail and fail not at your peril and have you then and there this writ. Witness the Honorable Robert N Martin Chief Judge of our said Court the 15th day of October 1845 Issued the 15th day of April 1846

Semmes.

Henry Bruce Clk

At which said third day of April towit, in the year last aforesaid, being the return day of the aforegoing subpoena the Sheriff of Washington County, to whom the same was delivered to be served made return thereof to the Court here thus endorsed towit: "Non est

Thos Martin Shff

Afterwards towit on the 2d day of June in the year 1846 the said John Davis, Senior and Charles W Davis filed in Court here their separate answers in the words and tenor following towit

The Separate answer of John Davis Jr of Washington County Maryland to the Bill of Complaint of John Davis Jr filed in Allegany County Court, as a Court of Equity, against the respondent and Charles W Davis Trustee. This Defendant for answer to said Bill of Complaint, or to so much and such parts thereof as may be necessary for him to reply to, answers and says, That he admits to be true as charged in said Bill; That in the year eighteen hundred and thirty five and at the time when this respondent was wholly free from debt or obligations of any kind, at his instance and request the Complainant John Davis Jr his son, entered upon and occupied the tract of land called "Davis Farm" situate in Allegany County upon the express understanding and agreement, that the said John Davis Jr should cultivate and improve the same and receive the issues and profits to his own use and that this property should be conveyed to said John Davis as part of his share of the estate of this respondent subject to such valuation as might be placed on the same. This respondent admits that John Davis, Jr did then and there enter upon said farm and cultivate the same, and that on the 25th day of June eighteen hundred and forty five, a statement of accounts took place between the said Complainant and this respondent, at which time there was a balance due this respondent on account of said farm of the sum of Twenty two hundred and thirty two dollars and twenty one cents, and that this respondent then and there agreed to convey the tract of land called "Davis Farm" to said Complainant and his heirs on payment of said sum of money with interest from the said day of settlement, and that the said proposition was then and there accepted by the said John Davis, and this respondent executed the instrument of writing a copy of which is exhibited in Complainants Bill as Exhibit A as evidence of that contract. This respondent further states that at the time of the execution of said instrument he considered himself fully able to meet all his liabilities, and that his indebtedness on his own account was of small amount, and that his own estate was amply sufficient to discharge his own personal liabilities. That the unexpected responsibilities as surety and endorser for others, and his advanced age Com-