Dulany Esquire their Solicitor, and Exhibited their Bill of Complaint against Elbridge G. Kilbourn and Benjamin Howard, the Defendants in form following, to-wit:-

To the Honorable the Judges of Baltimore County Court, Sitting in Equity.

The Bill of Complaint of John Mundorff & Mary his wife of Baltimore County, humbly Complaining, Sheweth to your Honors, that heretofore, to-wit; on & before the twenty ninth day of March eighteen hundred and thirty nine, a certain Caleb Stansbury of Baltimore County was seized in fee of a small tract of land in said County, which had been conveyed to him by Deed bearing date the twenty sixth day of September eighteen hundred and eighteen from a certain Thomas C. Walker, and which said deed was duly executed, acknowledged and recorded among the Land Records and in which Deed there is a particular discription of the said tract of as will appear by an extract from said Deed herewith filed marked A.

Further Complaining your Orators shew unto your Honors, that on or about the day aforesaid, in the year aforesaid, the said Caleb Stansbury purchased of your Orator the said John Mundorff, a negro female slave valued at the sum of Three hundred dollars, which said Stansbury agreed to give for her, when said Mundorff proposed that if he the said Stansbury would agree to bequeath to his granddaughter Mary wife of your Orator the said John Mundorff, the said tract of land in fee, at his death, that then the said Mundorff would give him one hundred out of three hundred dollars, which the said Stansbury had agreed to give him for said negro slave. That said Stansbury immediately assented to this proposition & it was fully agreed upon & firmly determined between the said Caleb & John, that he the said Caleb would bequeath at his death the said tract of land to said Mary infee. inconsideration whereof the said John did agree to give & release to the said Caleb, one hundred of the three hundred dollars which said Caleb had agreed to give for the said slave. that in execution and part performance of this agreement, the said Caleb paid to your Orator then & there the sum of one hundred dollars in Cash, and gave to your Orator the said John Mundorff his promisory note for one other hundred dollars, payable at twelve months from the date thereof. Whereupon the said John Mundorff on his part did then and there give to the said Caleb an acquittance or receipt in full for and on account of the purchase of the said slave, requesting at the same time & before the delivery of the said receipt that said Caleb would commit to writing his aforesaid agreement to bequeath to the said Mary the said tract of land at his death; whereupon the said Caleb replied that it was not necessary to put said agreement in writing, that he would do as he had said, that such

a provision in favor of said Mary was then in his will which he had put away, in his house, and that he would not alter it. Whereupon your Orator being satisfied with these assurances, gave the said receipt to the said Caleb.

But your Orators further shew to your Honors, that since the period aforesaid, the said Caleb Stansbury hath departed this life, having previously made his last Will & Testament, which is duly proved & registered among the records of the Orphans Court of Baltimore County; that in said will there is no bequest of the said tract of land infee to the said Mary, but that on the contrary thereof, in & by said will a life estate only is devised to her, with remainder over infee, upon the happening of her death, to a certain Josiah Stansbury his Son. That the said Isaiah, has since the death of the said Caleb by deed duly executed, acknowledged & recorded, conveyed the reversion infee of the said tract of land to a certain Elbridge G. Kilbourn of Baltimore County, and that said Kilbourn, subsequently to said conveyance to him has by his deed duly executed, acknowledged & recorded, transferred and conveyed all his right, title, & interest in said tract, to a certain Benjamin Howard.

That the said Kilbourn, and Howard & wife, previous to the execution of the said Deeds to them respectively, had notice of the claim of your Orators to the said tract of Land and information & knowledge of the agreement so as aforesaid made with the said Caleb Stansbury in his lifetime, by your Orator the said John Mundorff.

Your Orators further state that they have frequently called upon the said Kilbourn & Howard to convey to them the said tract of land, in fulfilment of the contract of the said Caleb Stansbury, which they have altogether refused to do, and insist that the title of said land, by virtue of the said devise of the said Caleb & the deeds aforesaid is now in the said Howard, well knowing, all the time, that said land in justice & Equity belongs to the said Mary infee, and to your Orator John Mundorff.

All which actings and doings are contrary to Equity & good conscience, & tend to the manifest injury of your Orators in the premises. To the End therefore that the said Kilbourn & Benjamin Howard & his wife may answer the premises, and that they may be directed by the Decree of this Honorable Court to convey said tract of land to the said Mary infee & for such other & further relief as may seem agreeable to Justice and Equity, may it please your Honors to grant to your Orators the States writ of Subpœna directed to the said Elbridge G. Kilbourn & Benjamin Howard & , Commanding them by a certain day, and under a certain penalty to be and appear before your Honors, then and there to answer the premises, & abide by and perform such order & Decree as your Honors may deem fit to pass therein. And your Orators as in duty bound will ever pray &c.

G. L. Dulany Sol.r for Compl.ts