12 of said patent round herewith filed through your Orator was and charges that the said Armstrong had purchased said Lot of said Hawkings long before the execution of said deed last mentioned and during the life time of said George Hustle long after Hawkings. Your Orator further represents to your Honor that the said Nurses Hawkings purchased said Lot from George Hustle now deceased in the year 1831 or 1832 or 1833 and that he found the said Hustle for said Lot in the Wise that the said Hawkings was the Sheriff of Allegany County during those years and that the said many executions against George Hustle was and besides indebted to him the said Hawkings in private account and that in payment for said debts the said Hustle sold the said Lot together with the adjoining Lot No 3970, to the said Hawkings and that the said Hawkings received said Lots in payment and satisfaction thereof and agreed with said Hustle but that the said George Hustle in his life time did not execute a deed for said Lots to the said Hawkings after said sale to him as the said Hustle had agreed to do with said Hawkings at the time of said sale. That at the time of said purchase by the said Hawkings from the said Hustle the said Hustle said it was also to be had, that the Lots were not worth much but intended to be worth something to the said Hawkings thereafter.

Your Orator further represents to your Honor that when the said George Hustle sold the said Lots to the said Nurses Hawkings as aforesaid the said Hustle told them to go and take possession of them that said Hawkings went upon the Lots immediately after he had purchased them of Hustle and took possession of said Lot until he sold it to the said Armstrong, and that Armstrong had possession until he sold to Frost and Frost held possession until he sold it to your Orator and that your Orator also had possession thereof although George P Hustle Dennis A Dougherty and Rebecca E Dougherty his wife George Berry and Margaret A Berry his wife Daniel F Keller and Mary Ann Keller his wife as the Heirs at Law of the said George Hustle have recovered the same in an action of ejectment in the Circuit Court for Allegany County on the 20 day of October 1857 that the said judgment in ejectment has not been enforced against your Orator by a Writ of Habre Facias possessionem though the same may be enforced at any time as a Writ of Habre Facias possessionem has been issued and is now in the hands of Hanson Nelson is Sheriff to be executed.

Your Orator is advised and he avers that it is entitled to recover from the said heirs at Law of the said George Hustle to whom said land descended upon his death intestate for the execution and after conveyance in the Law to convey and assure to it said Lot as purchased and paid for by said Hawkings from the said George Hustle. Your Orator has not the consent of said Hawkings that said deed should be made but by the said Heirs at Law who will if necessary join in such conveyance to your Orator But so it may please your Honor the said Heirs at Law of the said Hustle against Equity and good conscience and their duty in that behalf refuse to execute a deed to your Orator for said said Lot but claim the same as their own and your Orator fears will proceed to convert themselves with the possession of the same under said recovery in Ejectment by and of Habre Facias possessionem in the same. To the end therefore that the said George P Hustle Dennis A Dougherty and Rebecca E Dougherty

his Wife George Berry and Margaret A Berry his wife Daniel F Keller and Mary Ann Keller his wife and all said George P Rebecca E Margaret and Mary Ann are the Heirs at Law of the said George Hustle deceased to abide said Lot deceased may be decreed of your Honorable Court be decreed and ordered to execute and acknowledge in due form of Law a good and sufficient deed in fee simple according to your Orator the said Lot No 3978, and that in the meantime the said defendants aforesaid may be enjoined and strictly prohibited from issuing a Writ of Habre Facias possessionem on said judgment in Ejectment aforesaid and that your Orator may have such other and further relief as its case may require.

May it please your Honor to grant unto your Orator the Writs of Subpoena against the said P Hustle Dennis A Dougherty and Rebecca Dougherty his wife George Berry and Margaret A Berry his wife Daniel Keller and Mary Ann Keller his wife to the Sheriff of Allegany County directed commanding them and each of them to appear in your Honorable Court on some certain day to be therein named to answer the Bill and abide by and perform such decree as may be passed in the premises and also that your Honor will grant to your Orator the Writ of Injunction commanding and strictly enjoining the said defendants from issuing a certain or causing to be issued or executed of such a Writ of Habre Facias possessionem and also Enjoining and strictly prohibiting the said Hanson Nelson from executing the said Writ of Habre Facias possessionem to them directed upon said judgment in Ejectment in any manner taking possession of said Lot until the further order of your Honorable Court.

George A Pearre and Thomas J McKaig
Solicitors for Complainants

The writ referred to and made an Exhibit in the foregoing Bill of Complaint is in the Words and of the Tenor following to Wit,

State of Maryland Allegany County to Wit,

At a Circuit Court of the Fourth Judicial Circuit of the State of Maryland begun and held at the Court House in the Town of Cumberland in and for said County aforesaid on the second Monday of October in the year of our Lord 1855,

Present
The Honorable Thomas Perry Judge
Perry Shultz Shff
M Kelsey Clk

Among other were the following proceedings to Wit,

George P Hustle Dennis A Dougherty and others Lessees
vs
The Westbury Coal Company

Be it remembered that heretofore to Wit on the 9 day of May in the year of our Lord 1854 Nathan Roe Lessee of George P Hustle Dennis A Dougherty and Rebecca E Dougherty his wife George Berry and Margaret A Berry his wife Daniel F Keller and Mary Ann Keller his wife and Samuel A Smith by Henry A Price his attorney declared in the Circuit Court in a plea against John Doe of trespass and Ejectment with a notice annexed in manner and form following to Wit, State of Maryland Allegany County Sct.