this his Bill of Complaint,

That at the time of said purchase there was no lien by Judgment or decree or otherwise on said real Estate except a Judgment in the Circuit Court for Washington County, in favor of Mary Funk use of Parmelia Berry rendered at July Term 1859 No. 176 Trials and a Judgment of Amos Eakle in said Court rendered at November Term 1859 No. 110 Trials, which your Orator was aware of and the first named of which your Orator was to discharge as part of the Consideration in said deed as aforesaid.

Your Orator further shews that some Months after the Conveyance aforesaid, to Wit on the 29th day of January 1861 a Writ of fieri facias was issued out of your Honorable Court as a Court of Equity, upon a certain Order or decree of said Court, passed in a Cause pending therein between a certain George W. Smith as Trustee, and the said Jacob Eakle and Amos Eakle No 1284 on the Equity Docket of said Court, by which as your Orator is advised, a certain Audit and account therein filed was ratified and Confirmed and it was also Adjudged and decreed that the said Jacob Eakle should pay or bring into the said Court, to be paid to the said George W. Smith as Insolvent Trustee of the said Amos, the sum of Four thousand two hundred and One dollars and thirty Cents, current money with interest thereon from the date of said decree until paid or brought in as aforesaid, together with the said Complainants costs, as well that incurred in the Court of Appeals of Maryland upon the Appeal of the said Jacob as that incurred in your Honorable Court, to be ascertained and taxed by the Clerk of said Court, Your Orator is advised that the Costs so taxed in both Courts amount to the sum of five hundred and forty five dollars and sixty eight and 2/3 cents; and that for said principal sum and interest thereon as aforesaid, and said costs, the said Writ of fieri facias was issued as aforesaid at the instance of said George W. Smith, Trustee as aforesaid, against the said Jacob and said Amos and directed to Edward M. Mobley Esquire Sheriff of said County to be executed, That the said Edward M. Mobley Esquire Sheriff as aforesaid, has levied the same upon the lands aforesaid so sold and conveyed by the said Jacob to your Orator, as the lands and Estate of said Jacob, and is proceeding to sell the same under and by virtue of said Writ of Execution and said levy, and has advertised the same to be sold on Tuesday the 26th day of March 1861 to satisfy said sum so decreed to be paid, interest and costs as aforesaid. Copies of which said Order or decree of said Court, said Writ of fieri facias levy and advertisement of sale, marked respectively B, C, D. and E are herewith exhibited as part of this Bill of Complaint and so prayed to be taken,

Your Orator shews to your Honorable Court that said Order and Decree of your Honorable Court as a Court of Equity, on which said Writ of fieri facias has been issued bears on its face as the date of its passage as your Orator is advised, the twentieth day of July in the year 1860 which is or would be prior to the said deed of Conveyance from said Jacob to your Orator; but your Orator is fully advised and now Charges and Alleges that at the time of the date Execution and Delivery to your Orator by said Jacob of said deed for said lands so sold and Conveyed to your Orator as aforesaid, no such Order or decree had in fact been passed or filed in said Cause in Equity by your Honorable Court, but that the same was in truth and in fact passed and filed in said Cause many days after the said Sale was Conveyance to your Orator, namely on the 14th day of August 1860 Eleven days after the date and delivery of said deed, That at the time of said

purchase and the execution and delivery of said deed for said lands, there was no such Order or decree of Record binding said lands, and that your Orator when he made said purchase and took said deed had no Notice whatever, actual Construction or otherwise of said Order or decree, Your Orator is advised that by some Misunderstanding in the said Cause in Equity, when the said Court was prepared to pass and did in fact pass said Order or decree which was on the 14th day of August 1860 as already stated and alleged, your Honor was induced to place in said Order as the date of its passage the said 20th day of July 1860 under an impression that the said Cause was to have been determined at of a prior term of Court, But whatever understanding may have existed on this point between Counsel or others (and your Orator is advised there was none in fact) your Orator had no Knowledge of it whatsoever and, so far as he knows, is informed and believes, the said Jacob had none, That your Orator had no Knowledge or Notice or Knowledge of it at any time whatever until some time after his purchase and delivery of his said deed to him for said lands, and after said 14th day of August 1860, when he was greatly surprised at the pretended lien which was thus claimed to have attached to the said lands by virtue of said Order or decree, Your Orator shows that when he purchased said lands and took said deed for the same, no such lien in fact and in truth existed, that the Records of our County did not exhibit any such lien at the time and that he had no notice of the same in any manner or form, That he purchased said lands for a full and fair price, and that had such a lien existed and been brought to his Knowledge he would not have purchased said Lands, without making the same a part of the same Consideration expressed in said deed; but as it is, if said lien is effective or should be so decreed against him as a purchaser he will be subjected to an additional Consideration of nearly five thousand dollars without any relief therefor,

Your Orator shows that he was no party to said Cause in Equity in which said decree was passed; that he is a purchaser for a full fair and valuable Consideration of said lands, without any Notice whatsoever of said additional claim thus set up as a prior lien on the same; and that the said Complainant or plaintiff in said Writ of execution has no right or pretext whatever for causing the same to be levied upon said lands, as the said lands of said Jacob, and thereby inflicting a grievous wrong and injury upon your Orator, an innocent purchaser without Notice as aforesaid,

Your Orator shows to your Honor that he is advised that the said Jacob has appealed to the Court of Appeals of Maryland from said Order or decree of your Honorable Court, and that the same may by that tribunal be reversed,

Your Orator further shows to your Honorable Court that no day was fixed in said Order or decree of said Court for bringing said Money therein adjudged into said Court to be paid; and he is advised that said Writ of fieri facias has issued prematurely, He further shows and alleges that without of a Court of Equity, he is remediless in the premises, and must be subjected to a sale by Sheriff of said lands or to the frequent and consequent loss of the Amount of said Writ of execution, unless the said sale so advertised by the said Sheriff, and another proceedings under said decree or order be restrained by your Honorable Court and that such relief be granted in the premises as the case will admit of.

To the end therefore that the said George W. Smith and the said Edward M. Mobley Sheriff as aforesaid shall answer the several matters