September in the year 1859 did sell and convey unto the said John Young all his right title and interest in and to the said real estate so purchased by them from the said Executor and the said John Young having succeeded to said John Hartley executor as aforesaid the balance of purchase money due by the said Thomas McNamee upon the said lands to wit the sum of nine hundred and four dollars and twenty five cents is desirous of now obtaining a deed for the same Now Therefore the said John obtaining a deed for the same Now therefore the said John Hartley as Executor aforesaid in consideration of the premises and of the sum of five dollars current money doth hereby grant unto the said John Young in fee simple the undivided half or moiety of all and singular the lands and premises situate and lying in said Allegany County and known as the Old Alms House Property & Prather Farm being all and singular the lands purchased by the said James Tugg in his life time in conjunction with a certain Christopher Seely from the Commissioners of Allegany County under and by virtue of a certain article of agreement between the said Commissioners and the said Tugg and Seely dated on the 5th day of April in the year 1853 and being all the same lands purchased by the said Commissioners from Thomas J McKaig Trustee for the sale of real Estate of B S Ingman deceased by articles of agreement dated on the 6th day of April in the year 1850 as by reference to said his articles of agreement will more fully and at large appear, and also all that tract or parcel of land situate and lying in said Allegany County called Trap containing eight acres and one half and which was conveyed to the said James Tugg by Thomas J McKaig Trustee by deed dated on the 29th day of January in the year 1848 and recorded among the Land Records of said Allegany County to which reference is hereby made,

Witness my hand and seal
Witness O H W Hull

John Hartley (Seal)
Ex of the last Will and testament
of James Tugg deceased

State of Maryland Allegany County to wit,
I hereby certify that on this 27 day of September in the year 1859 before me the subscriber a Justice of the peace of the State of Maryland in and for said County personally appeared John Hartley Ex of James Tugg deceased and acknowledged the aforegoing deed to be his act.

O H W Hull J P

Allegany County Set I hereby certify the aforegoing to be truly taken from Liber H S R No 18 folio 777 and 778 one of the Land Records of Allegany County Maryland.

In testimony whereof I hereto subscribe my name and affix the seal of this Orphans Court of Allegany County the 3 day of October 1861,

(Seal)

H Resley Clerk

And thereupon issued the writ of the State of Maryland of Summons in form following to wit.

Maryland set. The State of Maryland to the Commissioners of Allegany County, John Young Thomas McNamee Christopher Seeley of Allegany County

Greeting You are hereby commanded that all excuses set aside you personally appear before the Judge of the Circuit Court for Allegany County sitting as a Court of Equity to be held at the Court House in the Town of Cumberland in and for said County on the second Monday of October next to answer the Bill of Complaint of William Tugg against you in said Court exhibited, Hereof fail not as you will answer the contrary at your peril. Witness the Honorable Thomas Perry Judge of said Court this 8th day of April 1861.

Issued the 7th day of October 1861.

H Resley Clerk

Which said writ of summons was afterwards returned to the Court hereby Henry R Atkinson Esquire Sheriff of said Allegany County to whom it was delivered to be served thus endorsed to wit

Hey R Atkinson Shff

And afterwards to wit on the 13th day of October 1863 John Young by Frank H Jordan his solicitor filed in the cause here his answer in the words following to wit. To the Honorable the Judges of the Circuit Court for Allegany County as a Court of Equity

The separate answer of John Young to the bill of Complaint of William Tugg filed in this Court against this defendant and others,

This defendant reserving to himself all exceptions to the errors and imperfections of said bill for answer thereto or to so much thereof as he is advised that it is material and proper for him to answer says that he admits the correctness of all the exhibits filed as part of said bill and all the facts shown by said bill which appear upon the face of said exhibits.

But this defendant denies that said Complainant has any right or title to said lands or to any part thereof, or that he has any right to a conveyance thereof as prayed for in said bill He also denies that any partition was made of said lands or of any part thereof by the said James Tugg in his life time and the said Christopher Seely as is alleged in said bill, and he also denies that any of said lands were ever held and held by them or any of the parties claiming under the said Tugg as is alleged in said bill And as to said partition if any such was made this defendant says that neither the said partition nor the agreement therefor nor any note or memorandum thereof was made or signed by the said James Tugg or any person authorized by him authorized and this defendant insists upon the statute entitled "an act for the prevention of frauds and perjuries as a defence against any such partition and hereby claims the same benefit of said statute as if he had pleaded the same,

And this defendant further says that the personal property of which said James Tugg died possessed and all the lands of which he died seized or entitled to, exclusive of the lands in controversy in this cause were ample sufficient to pay the debts of said James Tugg and it was necessary to sell the said lands not in controversy for the payment of John Hartley as Executor and by virtue of the power