given him by the said last will sold the land mentioned in the deeds from Thomas McClaniels and the said Hearley to this defendant which are filed as complainants Exhibit No 7 and Exhibit No 8 and referred to the said Sale to the Orphans Court of Allegany County, and the said Orphans Court after due notice given of said sale and of the proceedings in said Court to all the parties in interest ratified and confirmed the same and the said deeds to this defendant were made for the purpose of conveying the title to the said land to him under and by virtue of said sale so ratified as aforesaid and this defendant paid all the purchase money for said land according to the terms of said sale and the said Complainant had full notice and actual knowledge of the said sale and of the ratification thereof and of the payment of the purchase money and made no objection thereto but actually consented to the same and permitted this defendant to pay the purchase money for said land with such full knowledge without objection to said sale and is therefore estopped from setting up any such claim to said land as is now made in and said Bill of Complaint.

And this defendant further says that he is entitled to and has a right to have a deed to be executed by the said Commissioners of Allegany County conveying to him an undivided moiety of said land, and that the said Kelley is entitled to the other moiety and this defendant desires that partition may be made of said land and that the same may be equally divided between this defendant and the said Kelley but this respondent and said Kelley cannot agree about the division thereof and the said Kelley has already refused to make partition of the same equally with this defendant.

His defendant therefore prays your Honor to issue a commission and thereby appoint Commissioners to make partition of said lands equally between this defendant and said Kelley giving to each one half thereof to be held by them in severalty and that the necessary deeds of conveyances may be executed by the proper parties so as to vest the title to said lands in this defendant and said Kelley according to their respective interest in the same as it shall appear from the proceedings in this cause, and that he may be demanded hence with his reasonable costs and as in duty &c

J. H. Gordon Solr for defendant

On this 11th day of October 1862 before the subscriber a Justice of the Peace of the State of Maryland in and for Allegany County personally appeared John Young and made oath in due form of law that the matters and things stated and set forth in the above answer are true to the best of his knowledge and belief. J. M. Strong J.P.

And afterwards to wit on the 4th day of March in the year 1863 Christopher Kelley filed in the cause here his answer to the said bill of Complaint in the words following to wit.

William Trigg vs Commissioners of Allegany County and others } No 1393 Eq. To the Honorable David Weise Judge of the Circuit Court for Allegany County as a Court of Equity.

The answer of Christopher Kelley to the Bill of Complaint of Hezekiah Trigg filed against himself and others in your Honorable Court admits the purchase by himself and James Trigg of the land and the interest therein by certain articles of agreement between himself and James Trigg on the one side and the Commissioners of Allegany County on the other side and that Complainant Exhibit No 1 is a true copy thereof. This respondent admits that Complainants Exhibit No 2 is a true copy of the lease executed by Mrs Harriet Seymour to the Commissioners of Allegany County and that the same was assigned by the said Commissioners to this respondent and the said James Trigg.

This respondent admits that Exhibit No 3 filed with the bill of the Complainant is a true copy of the original paper of which it purports to be a copy and that the original thereof is the paper referred to in the aforesaid agreement between the Commissioners of Allegany County of the one part and the said James Trigg and your respondent upon the other part. His respondent admits the conveyance by the said Thomas J. McKaig unto the said Commissioners and that Exhibit No 4 is a true copy of the deeds of conveyance.

His Respondent admits that during the life time of said James Trigg this respondent and the said James Trigg paid to the Commissioners of Allegany County the first instalments of their purchase money of said lands and that after the death of the said James Trigg the said Commissioners instituted suits upon the bonds of guard for the last payment both against John Hartley Ex of the last will and testament of John James Trigg and this respondent and recovered judgments thereon against them respectively and that Exhibit No 5 contains true copies of said judgments and that said judgments have been paid one half thereof by this Respondent and the other half thereof was paid by this respondent at the request of the said John Hartley. His Respondent admits the death of the said James Trigg as stated in the said bill of Complainant and that Exhibits No 6 is a true copy of his last will and testament.

This respondent admits that John Hartley made sale of the lands devised by the said James Trigg to the Complainant to Mrs Thomas McClaniels who sold the same to John Young and Exhibits No 7 and 8 filed with the Bill of Complaint are true copies of the deeds executed as they purport to be. This respondent admits that the said John Young since said sale to him has been in possession of said lands and has received the rents and profits thereof. That the said Daniels after the sale to him as aforesaid and before he sold to the said Young was in possession thereof. That the said Daniels after the sale to him as aforesaid and before he sold to the said Young was in possession thereof receiving the rents and profits thereof.

This Respondent further admits that the Commissioners aforesaid have not during the life of said Trigg nor at any time since executed a conveyance of said lands to the said James Trigg and Christopher Kelley nor since the death of the said James Trigg have they executed a deed of conveyance for said lands to the Complainant in this cause as devisee of James Trigg and said Kelley.

This Respondent further admits that during the life time of the said