

of the former suit had purchased the interests of Clinton
 Gurnes together with some of the heirs at Law of William
 Gurnes instituted this suit for the purpose of procuring a sale
 of said real estate on the ground of its inalienability of
 Division & that the interests of the parties entitled & required it
 strength. Your Petitioner charges that the subject & object
 of this suit are precisely the same as that instituted as
 aforesaid on the 27th of November 1858. numbered N^o 2221 on the
 Docket of this Court and that this is the same case as said
 N^o 2221, as will appear by a copy of the Bill herewith exhibited
 as Exhibit I. Fifth. Your Petitioner charges that your
 Honour was of Counsel in said case N^o 2221 as will appear
 by a copy of the answer exhibited herein as Exhibit X and
 a copy of an agreement of Counsel exhibited as Exhibit Y.
 Sixth. Your Petitioner further charges that your Honour was
 incapacitated by reason of your said Connection with the
 former case, which in any effect they are from setting as
 aside herein and that therefore the Decree hereinbefore passed
 by your Honour on the first and 16th days of December 1857
 are erroneous & voidable while at the same time your Petitioner
 will know that your Honour has acted as Judge herein
 inadvertently only because the fact escaped your notice
 and was not brought to your notice, that this is identically
 the same case as N^o 2221 in which your Honour was of
 Counsel. Seventh. Your Petitioner shows your Honour
 that said Decrees are liable at any time to be vacated
 and that if the trustee hereinbefore appointed to sell
 said real estate, does sell it under the circumstances
 with this cloud upon the title it will be completely
 sacrificed and all the parties interested therein among
 whom is your Petitioner will suffer great loss and
 damage. To the end therefore that the Decree aforesaid
 may be vacated and set aside and declared of no effect
 by your Honour and that the proper proceedings may be
 had by which a sale of said land may be legally
 made and decreed and that such proceedings as the
 interest and rights of the parties herein may require
 may take place. May it please your Honour to pass
 an order giving the parties to this suit, or their Solicitors
 in this Court to show Cause on or before some day
 to be therein named to show Cause if any they have why
 said Decrees should not be set aside and vacated & as-
 in duty &c.

Bradley G. Johnson Solicitor
 for Petitioner

Ordered by the Circuit Court for Frederick's County, September
 22^d day of January 1858 that the parties to this
 suit show cause on or before the 2^d day of February 1858 if
 any they have why the decrees of the within Petition shall not