

Bill of Compt.

To the Honorable the Judges of the Sixth Judicial Circuit of the State of Maryland
Sitting in the Circuit Court for Frederick County as a Court of Equity. ~

The Bill of Complaint of Thomas Blaggett of Frederick County State of Maryland
Sheweth that your Complainant of the one part, and James O. Easterday, John Easterday
and Gamaliel Easterday of the other part, on the Tenth day of October Eighteen hundred
and Sixty seven, by an agreement in writing under their hands and seals, entered into
an agreement in which your Complainant for the consideration of Forty five dollars
per acre, covenanted and agreed to sell unto the said James O. Easterday, John
Easterday and Gamaliel Easterday, those two parts of a Tract of Land situate in
Frederick County State of Maryland, being part of "Daniel Small Tract," containing
Sixty Eight and a half acres of Land, and that part of said Tract containing forty
two acres one quarter and thirty two square perches of Land upon the following terms,
one third of the purchase money to be paid in hand on the Execution of the said Article,
the balance in one two and three years thereafter, with interest from the date of said
article of agreement, the said Land to be surveyed and paid for at the rate of forty
five dollars per acre, and as soon as the Land is surveyed and quantity of acres as-
certained, the said Thomas Blaggett agrees to execute to the said James O. Easterday
and Gamaliel Easterday, a deed for the same, by then executing to them a mortgage
for the deferred payments, all of which matters will more fully and at large appear
by reference to a copy of the said articles of agreement herewith exhibited, Marked Exhibit D. C.
No. 1 which your Complainant prays together with all other Exhibits hereinafter Exhibited,
may be taken as part of this his Bill of Complaint. ~

Your Complainant charges that in pursuance of the aforesaid agreement the said
lands so sold by your Complainant to the said James O. Easterday, John and Gamaliel
Easterday was surveyed and that Lot No. 1, so sold to said Easterday, was found to
contain Sixty Eight and a half acres of Land, and that Lot No. 2 was found to
contain forty one acres, one rood and thirty two perches of Land, as will appear by the
Certificate of A. Fearhake Jr. Surveyor of Frederick County herewith Exhibited Marked
Exhibit D. C. No. 2. ~

Your Complainants further state, that on the Tenth day of October in the year Eighteen hundred
and Sixty seven the said James O. Easterday, John Easterday and Gamaliel Easterday, paid
to your Complainant in pursuance of said contract and in part payment thereof the sum
of Sixteen hundred and Sixty four dollars and twenty five cents - being the one third of the
purchase money for said lands. ~

Your Complainants further state that upon the Execution of said Article and on
payment of the third of said purchase money as aforesaid, the said James O. Easterday,
John Easterday and Gamaliel Easterday, entered upon and took possession
of said lands so sold to them as aforesaid by your Complainant. ~

Your Complainant charges that the said lands upon a survey was found to con-
tain One hundred Nine Acres three roods and thirty two perches of Land, and
that the aggregate of purchase money for said Land as surveyed, amounted to the sum
of Four thousand Nine hundred and forty eight dollars and fifteen cents, and that de-
ducting the sum paid in hand as before stated, there was owing to your Complainant the
sum of Three thousand two hundred and eighty three dollars and ninety cents with
interest thereon from the tenth day of October in the year Eighteen hundred and sixty seven,
and that one third thereof, amounting to the sum of One thousand and ninety four
dollars sixty three and a third cents, with interest from the tenth day of October
in the year Eighteen hundred and sixty seven, became due and payable by the
said James O. Easterday, John Easterday and Gamaliel Easterday to your Complainant
on the tenth day of October in the year Eighteen hundred and Sixty Eight. ~

Your Complainant further charges that after the said survey was made and the