

It is thereupon the Eighth day of November in the year Eighteen Hundred and Sixty Nine by the Circuit Court for Frederick County sitting as a Court of Equity, adjudged, ordered and decreed that the Complainant is entitled to relief on the premises. - But because it does not certainly appear to what relief the Complainant is entitled, it is further adjudged and ordered that a Commission issue to Francis Brengle Esq, one of the standing Commissioners to take testimony to support the allegations of the Bill. -

Filed Nov 8<sup>th</sup> 1869

John A. Lynels

Petition of Defendant to be allowed to answer

Thomas Kelagett vs James O. Easterday et al.

No 3425 Equity In the Circuit Court for Frederick County ~

The Petition of James O. Easterday, John Easterday and Gamaliel Easterday, the Defendants in the above Case, shows, that on this 8<sup>th</sup> day of November 1869, a decree pro Confesso was passed in the above entitled Case against these Petitioners for the reasons therein set forth - That your Petitioners some time since employed Grayson Eichelberger as their Solicitor to file their Answer, but that owing to the enfeebled state of his health he has up to this time been unable to file their said Answer, but they pray that they may be permitted to file their said Answer by a short day to be named, and they will ever pray &c ~

G. Eichelberger Solr. for Petitioners

Filed Nov 8<sup>th</sup> 1869 ~

Answer of James O. John and Gamaliel Easterday

The joint and several answer of James O. Easterday, John Easterday, and Gamaliel Easterday, to the Bill of Complaint of Thomas Kelagett filed against these Defendants in the Circuit Court for Frederick County sitting as a Court of Equity. -

These Defendants, for answer to said Bill of Complaint, reserving to themselves all manner of benefit and advantage of exception to the many errors and insufficiencies in Complainant's said Bill of Complaint contained, say that these defendants early in the fall, in the year 1867, desired to purchase of said Complainant, part of the land owned by him near Urbana, and to the East and Southeast of said Town in Frederick County in this State - That for that purpose James O. Easterday, one of these Defendants, acting for and in behalf of himself and of his Co defendants, and by their request, called upon said Complainant, and stated to him the wish and desire of these defendants to purchase a portion of his said lands as aforesaid. - That said Complainant thereupon referred the said James O. Easterday, acting as aforesaid, to one Josiah S. Warrenfeltz, who was then living upon a portion of said lands, and said Complainant told said James O. Easterday that he, said James O. Easterday should see said Josiah S. Warrenfeltz and make with said Warrenfeltz his bargain and Contract and arrangements for each portion and parts of Complainant's said lands, as these defendants desired to purchase. - That said James O. Easterday, acting as aforesaid, thereupon at once went down to said lands near Urbana, and called upon said Warrenfeltz. - That said James O. Easterday then went with said Warrenfeltz and examined said lands and selected as the lands these defendants desired to purchase, the Lot No 2, part of "Dance's Small Tract" specified in Complainant's Exhibit No 1. and also the one half of the tract of One Hundred and thirty seven Acres to be divided and laid off as follows, to Commence at the middle point of the Western line of said last named 137 Acre tract, and to run the line of division to the eastern lines of said tract so as to include in the Northern one half of said division, the tobacco house standing on said 137 Acre tract, which said line of division, as said Warrenfeltz then stated to said James O. Easterday, would terminate at and run to a spring on the Eastern lines of said whole tract