

## No 3965 Equity,

To the Honorable the Judges of the Sixth Judicial Circuit of the State of Maryland sitting in the Circuit Court for Frederick County in Equity.

The Bill of Complaint of Morgan Warbough acting Executor of the last will of John Warbough of C. late of Frederick County State of Maryland deceased shows, that the said John Warbough of C. among other property did seized and possess in fee of all that part of a tract of Land situate in Frederick County State of Maryland called "Lutwigs Coustel" containing two hundred and eight<sup>1/2</sup> acres of Land more or less being fully described in the deed from John Roddy and wife to said John Warbough of C. a copy of which deed duly certified is herewith exhibited marked Exhibit No. 1 which with all other exhibits hereinafter produced, your Complainant prays may be taken as part of this Bill of Complaint. Your Complainant further states that the said John Warbough of C. by his will directed his Real Estate to be sold by his Executors and appointed your Complainant one of his Executors and did without revoking the same that after the death of said John Warbough of C. letters testamentary were granted to your Complainant as sole acting Executor and that he has filed his duly approved bond as such Executor and has entered upon the duties of his Office as will fully appear by a certified exemplification of said letters testamentary herewith exhibited marked Exhibit No. 2. Your Complainant further states that in pursuance of the powers vested in him by the said will and by virtue of an order of the Orphans Court for Frederick County after duly advertising the Real Estate directed to be sold by said will he did as acting Executor of the will of said John Warbough of C. sell on the 31<sup>st</sup> day of January 1872 all at Public Sale to Smeal Williard all that farm situate in Howard District Frederick County Maryland containing two hundred and four acres of Land more or less and fully described in the deed from John Roddy to John Warbough of C. dated on the 27<sup>th</sup> day of March 1851 and recorded in Liber C. S. No. 2 folio 148e one of the Land Records of Frederick County and a copy of which is exhibited in this Bill as Exhibit No. 1 at and for the sum of Thirty six dollars and Thirty cents per Acre making an aggregate of seven thousand four hundred and five dollars and twenty cents upon the following terms One third cash on the 1<sup>st</sup> day of April 1872 the balance in two equal annual payments with interest from the day of sale which sale was duly reported to and finally ratified by the Orphans Court for Frederick County all of which matters will fully appear by reference to certified copies of the Report of sale the Order nisi and final herewith exhibited marked Exhibit No. 3. Your Complainant further states that the said Smeal Williard after the ratification of the said Report of sale took possession of said Lands paid one third the cash payment and also paid the payment with interest due thereon payable one year after the day of sale but has failed to pay the sum of two thousand four hundred and sixty eight dollars and forty cents with interest from the 31<sup>st</sup> day of January 1872 when