great Injury thereof, and was taken by a New channel through other parts of said Land to the great Injury thereof. And your Petitioner further shews to your Honor, that the said Land so purchased by him is worth at least One Thousand Dollars less on account of because of the said incumbrance on the existance of said right, than it would have been if no such incumbrance had existed, & that your Petitioner would not have paid the price he did pay for said land by at least One Thousand Dollars, if he had been apprised of the said grant. Your Petitioner further shews, and states to your Honor, that as he believes the said Trustees were themselves ignorant of the existance of said grant to the said Isaac Tyson Jun. at the time of said sale, and that they were fully persuaded that no such grant was in existance, until the said paper marked exhibit A was shown to them by your Petitioner, to which it had been handed as aforesaid, and therefore that said representations to your Petitioner aforementioned were made by mistake and not for the purpose of wilfully defrauding your Petitioner. Your Petitioner therefore prays your Honor to Order and Decree that the said sum of One thousand Dollars, or so much as it may appear that the said Land so purchased by your Petitioner is diminished in value because on account of the existance of said grant to the said Isaac Tyson Jun be abated from the said purchase money so due by your Petitioner to said Trustees, and that the said Trustees may answer this Petition, and the matters therein alledged and set forth and that your petitioner may have such further, and other relief as in Equity he may be entitled to and he will ever pray &c forth.

Wm. P. Maulsby
F. I. Nelson solr for Pet

State of Maryland, Frederick County Sct. On this 10th day of May 1852 before the Subscriber a Justice of the peace of said State in and for said County, personally appeared Henry Baxter the above Petitioner, and made Oath on the Holy Evangely of Almighty God that the matters facts, and things in the aforegoing Petition Contained, and set forth are true as stated.

Sworn Before. M. Baltzell.

The aforegoing Petition having been read & considered it is thereupon this 10th day of May 1852 by the Hon'ble Murdoch Nelson Judge of the Circuit Court for Frederick County, Sitting in Equity Ordered that Dennis A. Maynard, and Dawson V. Hammond the said Trustees answer the said Petition, on or before the 25th Instant. Provided a Copy of said Petition, and of this order be given & served on the said Dennis A. Maynard, and Dawson V. Hammond on, or before the 15th Inst and further Ordered that so soon, as the said answers shall be filed the said Petition be referred to the auditor of this Court, with directions to take such proof as may be offered by the said Petitioner and said Trustees to shew whether the said Petitioner is entitled to any abatement as prayed, and if any to what amount, and to state an acct thereof, and to return said proof when taken & other his proceedings