

Pet<sup>r</sup> & Courts order

Dans Richardson vs Henry B. Waring others } No 2364 Equity } To the Hon<sup>ble</sup> The Judge of the Circuit Court for Frederick County sitting as a Court of Equity

The petition of Frederick Ashley and George N. Shellman solicitors for the plaintiff in the above cause, represents to your Honor that a Commission was issued out of your Hon<sup>ble</sup> Court to take testimony to establish the facts stated in the bill of Complaint against the infant defendants in this cause and returned and filed in Court on the 8<sup>th</sup> day of the present month of Sept 1852 and that since the issuing and return of said Commission your petitioners have discovered that no Commission had previously issued to take the answer of George M. Young one of said infants who had been duly summoned to appear in said case and your petitioners further represent that since said 8<sup>th</sup> Sept a Commission has issued in the usual form to take the answer of said infant by guardian to be appointed under said Commission. And your petitioners further represent that according to the answers of all the other defendants and the facts in the case no injustice will result to any of the parties to this suit by means of said irregularity in the time of issuing said Commission the disposal of the case depending entirely upon the testimony contained in the return of the Commission to take testimony, and the answer of said infant being merely formal Your petitioners therefore pray your Honors, that (in order that the proceedings in this cause may appear regular and formal, and to avoid unnecessary trouble, delay and expense to the parties to this suit) an order may pass directing the Clerk of the Court to enter the papers relating to the issuing of the Commission to appoint a guardian and take the answer of said George M. Young and the Commissioners return thereof as filed on same day prior to the issuing of said Commission to take testimony and as in duty bound your petitioners will ever pray  
Ashley & Shellman Solrs for Compl.

No 2364 Equity In the Circuit Court for Frederick County sitting as a Court of Equity

Ordered this 29<sup>th</sup> day of Sept. 1852 that the docket entries of the order for a Commission to appoint a guardian and take the answer of George M. Young mentioned in the foregoing petition, and the issuing of such Commission and the return thereof be made "nunc pro tunc" as of same day prior to the issuing of the Commission to take testimony in this cause, and that said papers be marked as so filed  
M. Nelson

Filed Sept 30 1852

Courts order for audit

Dans Richardson vs Henry B. Waring others } No 2364 In the Circuit Court of Frederick County as a Court of Equity July Term 1852

On reading and considering the papers in this case the Court, to whom the same has been submitted for a final decree deems it necessary that there should first be an account stated by the Auditor showing the actual balance due by the complainant on the bond and mortgage before a final decree can be passed It is therefore this 27<sup>th</sup> day of October 1852 ordered by the Court that the case be and is hereby referred to the Auditor who is hereby directed, to state an account between the parties showing the balance due by the mortgagee after deducting all the proper credits, and reporting the same to this Court for its further order  
M. Nelson

Auditors Report

Statement of account showing balance due on bond of Dans Richardson to Millicent Waring No 2364 Equity	
Amount of bond interest admitted to be paid to 1st Augt 1844	\$ 8880.00
Interest to 1st April 1845	355.20
	9235.20
Then paid by bond to M A Brooke	990.90
	8244.30