

Some Newspaper printed in Frederick Town, once a week, for two successive weeks before said day.

W Nelson

Exception No 2466 Equity In the Court, for Frederick County  
 to audit George Smith — Edward Shumer & others —  
 Sumner C. Summons assignee of Robt & Sally  
 one of the Respondents in this case, prays and  
 to except to the Report of the auditor in this  
 cause made and filed with the clerk on the 1<sup>st</sup> of September ad 1853  
 For that the auditor has excluded from the account, duly filed in this  
 Court on the 29<sup>th</sup> of August ad 1853 the claim of said audit Robert, duly  
 assigned for valuable consideration to the said S C Summons, which  
 in due form of Law, has been probated passed & approved by the Orph-  
 ans Court of said County & admitted in writing upon the face thereof  
 to the Court by administration of David Schley &c? under date of June  
 20 1853 the same being for the sum of \$ 1027. 669 but as due on the 29<sup>th</sup>  
 March ad 1849, and has allow<sup>d</sup> to this exceptant only his own scribble  
 upon \$ 441. 584 part thereof, whereas in truth, and in fact this excep-  
 tant is entitled to a dividend upon the full and just sum of \$ 1027 669  
 as stated in his account. Your exceptant prays therefore that the  
 said Report of the auditor be not ratified, and that the same be refer-  
 ed back, and that your exceptant have leave to produce before the said  
 auditing Testimony whereof there exists abundant to establish beyond  
 contradiction his full right to the whole amount, claimed by him, and  
 that the auditor be instructed to take such proofs, touching the prem-  
 ises, as may be advanced before him by either of the parties, upon giving  
 ten days notice of the time, and place for adduction of the same, and  
 that the Report to this Court, another account, together with the  
 proofs he may take in the premises, and according to the force and  
 effect of said Proofs for the further action of this Court as upon  
 Consideration of the whole case, may appear just & Equitable,

all which is Respectfully Submitted Wm Mumole,  
Sol for Exceptant

Ordered by the Court, upon the Consideration of the foregoing exceptions  
that this cause be referred back to Robt Wilson Esq' especial au-  
ditor, with Instruction to take testimony, touching the claim of the  
parties stated in the foregoing exception, upon giving notice to the  
parties or their solicitors, and that he Report an account to this  
Court in Conformity with the Testimony Together with the Testi-  
mony in writing subject to the further order of this Court in the  
premises, and it is further ordered, that so much of auditors re-  
port as states relates to the preferred claims in this cause be rat-  
ified and Confirmed, and the Trustee is hereby ordered to pay the  
said preferred claims as audited

W Nelson  
27 Sept 1853.

Special To the Hon. W Nelson Judge of the Court for Frederick County  
 Court In Equity  
 George Smith — Edward Shumer — John Williams —  
 and others —  
 The undersigned especial auditor in this case, did  
 in pursuance of the directions of the Court proceed  
 on the 4<sup>th</sup> day of October 1853 to take the following  
 Testimony touching the issue in the case form  
 ed on the Petition last filed, the counsel of either  
 party —