

To the Hon W Nelson Judge of the Circuit Court, for Frederick County in Equity - The foregoing account I have stated, in accordance, with the instructions filed by solicitor of Complainant
April 29 1853. Ch B Buckell and

Thomas A Smith }
Charles L Smith } N^o 2455 Equity In the Circuit Court for Frederick
& others } County sitting as a Court of Equity
" } Ordered by the Court this 30th day of April 1853 that
Louella H Smith } the within Report of the auditor, be ratified,
Philemon W Smith } and confirmed, unless cause to the contrary
& others } be shown on or before the 3^d Monday of
May next Provided a Copy of this order be
inserted in some Newspaper printed in Frederick City, for two
successive weeks, before the said 3^d Monday of May next.
W Nelson.

Ordered by the Court, this 24th day of May 1853 upon consideration of the exceptions in this cause filed to the foregoing Report of the Auditor - that the said Report be and the same is hereby rejected & annulled and that the cause be referred back to the Auditor with directions to state an account in which he shall distribute the funds reported after allowance of costs & widow's dower to the several devisees named in the will of John H Smith, and that in distributing the share of Mrs. Smith dec^d he conform to the order heretofore passed upon the Petition of H W Ansonson. W. Nelson.

The following exceptions were filed May 19/53
N^o 2455 Equity
Smith & others } Exceptions to Auditor's Report, which was
" } filed April 30/53
Smith & others } The Petition of H W Ansonson, in this cause
prays leave to except to the Auditor's report in this cause, filed on the 30th of April, and made under the instructions of Complainant's solicitor because an equal distributive share has been granted to Philemon W Smith the trustee, when in fact the said Philemon is not one of the devisees under the will in said cause filed & in no manner entitled to any part, or share in said fund which said audit & allowance deprives the Petitioner & other devisees of their just share in the part belonging to Mrs. Smith dec^d & also other infant devisees whose shares are diminished by the unjust allowance of said share to said Philemon
(Wm Wallace call)

The following Instructions to auditor filed May 19/53
N^o 2455 Equity on Reference of the Petition of H W Ansonson
The auditor in this case will take testimony to establish the Petitioner's account, upon the notice prescribed in the Court's order. He will then state an account of the whole fund reported by the trustee dividing it among the devisees, under the will of John H Smith dec^d, after deducting the costs, expenses &c &c, and the allowance to the widow in lieu of dower. In regard to the share falling to Mrs. Smith dec^d one of the devisees he will charge upon that part, the costs of N^o 2454 as per Court's
Order