

of a House and Lot in Buckeye Town, at the price of Five hundred and Five Dollars. That on the 2^d. of June 1853 said sale was by the Trustee Reported to this Court, and an order passed by your Honor - That said sale be finally ratified, on the 22^d. of June 1853. unless before said day - cause to the Contrary be shown. your Petitioner begs leave further to show that subsequent to said sale, & before the ratification thereof, the dwelling House, Kitchen and meat House, on said Lot, accidentally caught fire, and were totally consumed. your Petitioner further shows, unto your Honor that he never took possession of said property & never agreed to assume - the responsibility of holding said property, and your Petitioner is advised that he is not in law bound to bear the loss, according, by said fire. your Petitioner prays your Honor to pass an order appointing a Special Auditor with directions to take Testimony as to the value of said loss by fire, at such times as the solicitor of your Petitioner, and the solicitor of said Trustee may agree upon, and that your Honor would defer the ratification of sale, until said Testimony be taken.

M. B. Luckett, Soller for Compt.

On this 20th of June, 1853, before the Subscriber, a Justice of the peace, personally appeared - Albert Steeter, and made Oath that the facts stated, in the foregoing Petition are true to the best of his knowledge & belief. Sworn Before.

M. B. Luckett.

On reading the foregoing Petition & affidavit, and it appearing that the party is entitled to the relief prayed - It is this day of June 1853. Ordered that Robert Wilson do be, & he is hereby appointed special Auditor - to take Testimony, touching the matters, in the Petition - alleged, at such times as may be agreed upon, by the parties, or their Solicitors.

M. Nelson.

It is agreed - this 3^d. Feby. 1854. That the sale reported, as made to A. Steeter be by the Court annulled; it appearing by the proof taken. That said Steeter cannot be held to comply with the terms of sale, and that the Court ^{pass} ~~pass~~ an order for the resale of the same

M. B. Luckett, Soller for A. Steeter
Chas. E. Trail for Trustee.

The foregoing petition, and papers therewith filed, and the agreement of Counsel, being read & considered. It is thereupon this day of February 1854. Ordered by the Court, that the sale heretofore Reported as made to Albert Steeter be vacated & annulled, and that the Trustee proceed to resell the same, upon the terms prescribed by the former decree.

M. Nelson.

It is remembered that on this 2^d. of Feb. 1854. appeared before me - a Justice of the peace Walter C. Ullow, and made Oath that he resides in Buckeye Town - That he knows the property, sold by Lewis Kemp, at public sale & bid off by Albert Steeter - That at the time of said sale, he deponent resided in said property; That prior to the sale said Kemp gave deponent notice to quit on 1st. of April - That he did not leave until he was forced out by the fire that burnt the property down; That his family was sick, and he could not leave. That deponent considered himself, no longer as Tenant of Kemp, after the 1st. of April - That deponent went to Steeter, and stated to him the situation of his family, That Steeter replied - That the sale was not yet ratified, and that he Steeter would be satisfied if deponent vacated the property, by that time, Deponent had proposed to Steeter after the sale, and before the fire, to rent the property of him Steeter. Steeter replied - Steeter replied that he Steeter did not consider the property his to rent. That the sale was not ratified - Deponent after 1st. of April, did not consider himself any ones Tenant, as he was paying no rent.

Sworn before. J. M. Harding.

The following Petition was filed July 8/53.

Daniel Buckley & Lewis Kemp, & wife versus Ann Rebecca Buckley, George Buckley and David Buckley. - To the Hon. Madison Nelson, Judge of the Circuit Court.