

The petition of John A Warner one of the Complainants in this cause humbly prays leave to except to the ratification of the sale, heretofore reported to your Honor, by William H Warner Trustee in this cause, for the reasons following, -

1st Because the real estate of Susannah Gury decreed to be sold in this cause, was sold contrary to the true intent and meaning of the said decree to sell said real Estate, in as much, as the said real Estate, was neither sold nor offered at public sale, but that the same was sold at private sale, to a certain John Sales, at and for the sum of forty five dollars per acre, as shown in the report of the said Trustee filed in this cause, -

2^d Because the sum of forty five dollars per acre for the said real Estate, was and is totally inadequate to the real and full value thereof, -

3^d Because the said sale was not a fair and honest sale the said real Estate having been sold at private sale by said Trustee without first offering to sell it at public sale according to the true intent and meaning of his advertisement, and your exception avers that if said property had been fairly sold at public sale, it would have sold for a much larger sum of money, and your exception further avers, that he and other heirs at law of the said Susannah Gury have been greatly injured by the illegal proceedings of said Trustee,

James M. Stone
Atty for Exceptor

Agreement
of
Council

John A Warner & others

No 3124 Equity, -

In the Frederick County Circuit Court, sitting in Equity,

Hezekiah Groff & others

In the Hon. Madison Nelson Circuit Judge of the Third Judicial Circuit of the State of Maryland, sitting in Equity,

It is hereby agreed by the Council in this cause, that the Exceptions of John A. Warner heretofore filed in this cause - to the ratification of the sale made and reported in this cause by William H. Warner Trustee, he and the same are hereby taken to be true, -

In No 3124 Equity Circuit Court for Frederick County in Equity, -

This cause coming on to be heard on Exceptions filed to the ratification of the report of sales, and it being admitted that the facts stated in the Exceptions are true,

It is this 9th day of March 1854 by the Circuit Court for Frederick County in Equity, ordered that the Exceptions filed be sustained and that the sale reported by the Trustee he and the same is hereby rescinded and set aside, -

W. Nelson

John A. Warner and Susan Warner his wife,

No 3124 Equity, -

William H. Warner & Mary E. Warner his wife,

In the Circuit Court for Frederick County in Equity, -

Hezekiah Groff and Julia his wife and others

The above cause standing ready for a hearing and being submitted - The Bill, Exhibits, orders of publications and all other proceedings were by the Court read and considered - The order of publication heretofore passed in this cause having been duly published and the defendants Hezekiah Groff and Julia Groff his wife and Andrew A. Warner having failed to appear and answer the said Bill of Complaint and the said non resident defendants having failed to appear and elect or refuse to elect to take the lands in question in this cause at the valuation made by

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