

as evidence Exhibits No 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 which are herewith returned, & there being no witnesses present to be examined and the Complainant requiring further time for the production of his Evidence, the Commissioner adjourned the said Commission to the 20<sup>th</sup> day of July 1865, at which time at the place aforesaid there being no witnesses present to be examined, the said Commission was further adjourned to the 27<sup>th</sup> day of July Eighteen hundred and sixty five, at which time and at the place aforesaid I proceeded to take the following depositions to wit:

In the First - That he is well acquainted with all the parties to this suit and has known them all for many years.

In the Second - That he was acquainted with Samuel J. Benton, formerly Frederick County Md, that he is dead, that he died in Frederick County aforesaid during the Spring of the present year, things during the month of April, that he died intestate.

In the Third - That he is acquainted with the handwriting of the said Saml J. Benton, that he looks at Exhibits No 1, 2, 3 & 4 now shown him - that the signature 'Samuel J. Benton' hereunto attached is in the proper handwriting of the said Saml J. Benton, that the body of the notes in said Exhibits is in the handwriting of deponent, and that he knows the signatures to be the handwriting of the said Samuel J. Benton.

In the 4th - That said Samuel J. Benton died seized & possessed of the real Estate described in Exhibits No 5, 6 & 7 now shown to deponent, that he looks at said Exhibits that the property therein described is the same of which the said Samuel J. Benton died, seized & possessed, that the said real Estate is situated in Frederick & Montgomery Counties in the State of Maryland.

In the 5th - That the said Samuel J. Benton was married at the time of his death - that Elizabeth A. Benton is his widow & resides in Frederick County, Maryland.

In the 6th - That the said Samuel J. Benton left six children, namely, Henrietta S. Rachel A. Theodore J. Samuel M. Robert A. and Morgan J. Benton, all adults, except Samuel M. Robert A. and Morgan J. Benton, who are infants under the age of twenty one year and all reside in Frederick County, Maryland.

In the 7th - That the said Samuel J. Benton's personal estate was insufficient to pay all of his debts, that deponent knows the fact of now having been the agent of the administrator of the said Samuel J. Benton.

There being no other witnesses present to be examined & further time being required by the Complainant for the production of his evidence the Commissioner closed the said Commission and herewith returns the same under his hand & seal, on this 27<sup>th</sup> day of July in the year of our Lord 1865.

W. J. Nelson Comr.

Ordered - The Execution of the within Commission will appear by certain Schedules thereto annexed.

W. J. Nelson Comr.

John Gardner

No 327 Equity.

In the Circuit Court for Frederick County in Equity.

Elizabeth A. Benton Adm. Est.

This cause standing ready for hearing, the bill, exhibits, depositions and all other proceedings were read and considered. It is thereupon this 13<sup>th</sup> day of September in the year Eighteen hundred & sixty five by the Hon. Madison Nelson Circuit Judge for the fourth judicial circuit of the State of Maryland & by the authority of the Circuit Court for Frederick County as a Court of Equity, ordered, ordered & decreed, that the real estate of which the said Samuel J. Benton died, seized & possessed or so much thereof as may be necessary be sold for the payment of his debts. That Elizabeth A. Benton of Frederick County, Maryland is hereby appointed Trustee to make such sale, and that the course & manner of her proceedings shall be as follows. She shall first file in the Clerk's Office of this Court a bond to the State of Maryland, executed by herself with a surety or sureties to be approved by the Court or Clerk

Secured