

From any of the proceedings in said cause that the said Samuel S. Benton ever died seized and possessed as in fee of said real estate or any part thereof so as aforesaid purchased by your petitioner, that said Trustee never had any authority under said deed to sell said property and that any deed given by her to the purchaser thereof would be wholly ineffectual for the consequences or vesting of a good & sufficient title to said real estate as said purchased.

Your petitioner therefore prays your Honor that the said sale of the said real estate by said Trustee to your petitioner may be set aside, and that your petitioner may be relieved from the consequences of his purchase thereof, and that your petitioner may have such further and other relief as the nature of this case may require. As in duty bound he will ever pray &c. &c. *Wm. Nelson* Sol<sup>r</sup> for petitioner

In No. 3227 Equity Circuit Court for Frederick County.

The Exceptions of Anne Davis to the report of sales made to him by Elizabeth A. Benton, Trustee being read & considered. It is therefore this 13<sup>th</sup> day of February 1866, by the Circuit Court for Frederick County as a Court of Equity ordered, adjudged & decreed that the Exceptions of said Anne Davis to the same are hereby allowed and that the said sale to and the same is hereby rescinded, vacated and annulled.

*Wm. Nelson*

Petitioner

To the Hon. William Nelson Circuit Judge of the fourth judicial Circuit of the State of Maryland sitting in the Circuit Court for Frederick County as a Court of Equity.

E. A. Benton

The petitioner of Elizabeth A. Benton appointed by the decree in No. 3227 Equity Trustee to sell the real estate therein decreed to be sold, respectfully shews to your Honor that she is unable to sell said real estate at public sale, that she has offered said land at public sale and that said sale has been rescinded by order of your Honorable Court on the petition of Anne Davis filed in said cause. Your petitioner further states that she has understood & believes she can sell said real estate at private sale. Your petitioner therefore prays your Honor to pass an order granting to your petitioner power to sell said real estate at private sale on the terms specified in the decree passed in said cause. And your petitioner will ever pray. *Wm. Nelson* Sol<sup>r</sup> for Petitioner

In the matter of the Petition of Elizabeth A. Benton

No. 3227 Equity

In the Circuit Court for Frederick County in Equity.

The petition in this cause having been read & considered it is therefore ordered this 13<sup>th</sup> day of February 1866, that Elizabeth A. Benton Trustee in this cause be authorized & directed to sell the real estate or so much thereof as may be deemed necessary, for the purposes therein directed and upon the terms as specified in the decree passed in said cause.

*Wm. Nelson*

Trustee's Report &c.

John Gardner

No. 3227 Equity

In the Circuit Court for Frederick County.

Elizabeth A. Benton Trustee

To the Hon. the Judge of the Circuit Court for Frederick County sitting in Equity. The Report of Elizabeth A. Benton Trustee in this cause reports that by an order passed in this cause, she on this twenty third day of February in the year eighteen hundred and sixty six, has sold at private sale to Kenneth S. Benton, Rachel A. Benton & Monroe S. Benton, the parts of tracts called "Piedmont" and "The Resurvey on Millians Chained" containing one hundred & fifty nine acres of land more or less & described in Exhibits filed in this cause and for the sum of three thousand dollars to be paid on the ratification of sale, the Trustee reserving the crops growing on said lands.

*Elizabeth A. Benton*

State of Maryland Frederick County Feb<sup>r</sup> On this 23<sup>rd</sup> day of February 1866, before me the