No 6708 Equity.

To the Honorable the Judges of the Circuit Court for Frederick County Sitting as a Court of Equity.

Carroll Mercer by J. Roger McSherry his attorney, comes into Court and excepts to the ratification of the Sale reported by Charles H. Ross, Robert G. Gambrill and John S. Newman Trustees under a private deed of trust from James H. Gambrill, of the Real Estate mentioned and described in said report of Sale for the following reasons,

1st Because the said Carroll Mercer, the purchaser of said property says that immediately prior to the said Sale a certain firm, to wit, E. H. Gardner & Co. filed in the Circuit Court for Frederick County, a petition in Involuntary Insolvency, against the said James H. Gambrill, alleging that the said James H. Gambrill had committed certain acts of Insolvency as prescribed by the Statute in such case made and provided, that the said petition is now pending in said Court, and undecided, and that in the event the said James H. Gambrill shall be adjudicated an insolvent by the Court, that such adjudication may create a cloud upon the title to the property purchased by the said Carroll Mercer of the said Trustees, Charles H. Ross, Robert G. Gambrill and John S. Newman, and reported in this cause.

2nd And because the title to said property was originally in a certain John McKenzie, his wife, by their deed of trust, bearing date on — the — day of — conveyed to William J. Ross, in trust, in general words conveying all their lands in Frederick County, without any certain description of the same, and that the said William J. Ross, as trustee, caused a plat and a survey of said lands, to be made, of which the said property purchased by said Carroll Mercer formed a part, that the deeds from William J. Ross, down to the deed conveying the property to James H. Gambrill from the successive owners of said property all refer to and describe the same by courses and distances, but mention a plat of the said property made for the said William J. Ross, Trustee of John McPherson, by Thomas J. O'Neal, showing the division of the original tract, which plat is not to be found among the Land Records of Frederick County.

3rd. Because the portion of said property conveyed to James H. Gambrill by George H. Delphlane and wife described as part of a tract of land called "Araby" and part of the Reserving on the "Hermitage" that the title to said land runs back to