other to the said Bill or so much thereof as they are advised it is material for them to answer, say they are informed and believe the several matters and things in said Bill contained are true as stated and they therefore admit the same and submit to such decree as to the said Court may seem proper and equitable in the premises praying they may be hence dismissed with their costs in this behalf sustained.

Test — Henry his X mark Cooley Junr.
Edney her X mark Cooley
Leo. Hays.

State of Maryland, Montgomery County Set.

On this the 12th day of July anno Domini 1842 personally appear before the subscriber a Justice of the Peace in and for the County and State aforesaid Henry Cooley Jr. and Edney his wife the respondents named in the foregoing answer and severally acknowledged the same to be their respective answers — Acknowledged before — Leon.d Hays J. P.

The within answers are received to have the same effect as if sworn to,
Richard J. Bowie, for Complainants.

And afterwards at the same Term the Complainants by their solicitor aforesaid filed in the said cause a certificate of the due publication of the order of publication against the non resident defendants in the words following to wit,

John Bennett, Thomas Hodges of Walter and Matilda Ann his wife — against — Henry Cooley and wife and others — } In Chancery 22 July 1841 — The Bill in this case states that William Bennett late of Montgomery County Md. died seized in fee of several tracts or parts of tracts of lands lying in Montgomery and Frederick Counties respectively leaving at his death the complainants John Bennett of Louisiana, Thomas Hodges of Walter and Matilda his wife Edney wife of Henry Cooley his children of Montgomery County aforesaid and John William Ricketts Matilda Ann and Mary Elizabeth Ricketts infant children of his deceased daughter Eliza all of the State of Ohio his heirs at law to whom the said lands descended The bill charges that the lands are susceptible of partition among the several heirs entitled but if not that they should be sold and the proceeds divided among them, to which end it prays that Henry Cooley and Edney his wife of Montgomery County, John William Ricketts Matilda Ann Ricketts and Mary Elizabeth Ricketts of the State of Ohio may be made defendants and answer the premises, and that the said lands may be divided among the several heirs or in case the same cannot be made, and that the same be sold and the proceeds distributed among the several heirs according to their respective rights, and for other and further relief and that the said John William Ricketts, Mary Elizabeth Ricketts and Matilda Ann Ricketts, reside out of the State of Maryland, It is therefore ordered that the complainants, by causing a copy of this order to be inserted in some newspaper published at Baltimore once in each of three successive weeks before the 23d day of August and give notice to the said absent defendants, of the object and substance of the Bill and warn them to appear in this Court in person or by solicitor, on or before the 30th

day of December next to answer the premises and show cause if any they have why a decree should not pass as prayed —

True Copy — Test — Ramsay Waters, Reg. Cur. Cur. —

Baltimore July 15th 1842 This is to certify that the annexed advertisement in case "Bennett Hodges and others" was published in the Baltimore Patriot agreeably to the directions therein set forth. —
Isaac Munroe, —

and afterwards to wit on the seventeenth day of February eighteen hundred and forty three the Chancellor passed an Interlocutory Decree in the said cause in the words following to wit —

John Bennett, Thomas Hodges of Walter and Matilda Ann, his wife — against — Henry Cooley and wife and others — } In Chancery — December Term 1842 — The order of publication heretofore passed in this cause having been duly published and the said absent defendants, John William Ricketts Mary Elizabeth Ricketts, and Matilda Ann Ricketts having failed to appear and answer the Bill of the complainants, It is thereupon this the seventeenth day of February eighteen hundred and forty three by, Theodorick Bland Chancellor and by the authority of this Court adjudged ordered and decreed that the said Bill of the Complainants be and the same is hereby taken pro confesso against the said absent defendants, and this cause being ready for hearing and submitted the proceedings were read and considered — Whereupon it is further ordered adjudged and decreed, that there be a partition of the tract or parcels of land in the proceedings mentioned amongst the parties to this suit so that one fourth thereof shall be allotted to the complainant John Bennett, one fourth to the complainants Matilda Ann wife of Thomas Hodges, one fourth to the defendant Edney wife of Henry Cooley, and one fourth to the defendants John William Ricketts, Matilda Ann, and Mary Elizabeth Ricketts. — And to enable this Court, to make partition, it is further adjudged ordered and decreed, that a commission issue in the usual form to Samuel J. Hays, Abraham J. Hays, David Trundle, Thomas Hyde, and Colmore Offutt authorising them or any three of them to enter upon, walk over and survey the said land, and to divide the same into four equal parts having regard to quantity and quality whereof one part shall be allotted to the said complainant, John Bennett one part to the complainant Matilda Ann wife of Thomas Hodges, one part, to the defendant Edney, wife of Henry Cooley, and one part, to the defendants John William, Mary Elizabeth and Matilda Ann Ricketts, and that said commissioners, make out, or cause to be made out a plat and certificate of said land, and of the division thereof with the beginning and courses and an accurate description of the said estate and of the parts thereof, and to the said commission there shall be annexed the usual oath of Office —
Theodorick Bland, Ch.r —

And thereupon a commission for partition was issued in pursuance of the said Interlocutory Decree to the persons therein named, And afterwards to wit, on the twentieth day of February eighteen