Cooley shall hold in severalty and not jointly or in common with the other parties to this suit, all those parts of the lands in the proceedings mentioned, which is described in the return of the aforesaid commissioners and the plots accompanying the same as Lot No. 2 in four seperate parts beginning laid out and described by metes and bounds courses and distances as therein particularly set forth as upon reference thereto will more fully appear containing in the whole three hundred and nineteen and five sixteenths acres of Land. And it is further adjudged ordered and decreed that the defendants John William Ricketts, Matilda Ann Ricketts and Mary Elizabeth Ricketts, shall hold as coparceners or tenants in common all those parts of the land in the proceedings mentioned which are described in the return of the aforesaid commissioners and the plots accompanying the same as lot No. 1, consisting of three seperate parts, Beginning laid out and described by metes and bounds, courses and distances as therein particularly set forth as upon reference to the same will more fully appear containing in the whole three hundred and seventy four and three eighths acres of land subject to the dower of Henrietta Bennett widow of William Bennett in the same. And it is further adjudged ordered and decreed, that Henrietta Bennett widow of William Bennett deceased, shall hold as and for her dower in the lands in the proceedings mentioned, all those parts of the land in the proceedings mentioned which are described in the return and the plats of the commissioners accompanying the same as Lot No. 1, first therein described and assigned in the division of the said lands in the proceedings mentioned to John William Mary Elizabeth and Matilda Ann Ricketts as upon reference thereto will more fully appear and it is further adjudged ordered and decreed, that the costs of the aforesaid partition and other costs of this suit be defrayed by the aforesaid parties in proportion to their respective interests as established by the interlocutory decree heretofore passed in this case.

Theodorick Bland, Chl.

And afterwards to wit on the seventeenth day of February eighteen hundred and forty five came Henrietta Bennett by her counsel Richard W. Gill Esquire and filed her petition in the said cause in the words following to wit.

John Bennett Thomas Hodges of Walter and Matilda his wife, against Henry Cooley and wife and others } In Chancery 17th February 1845.

To the Honorable Theodorick Bland, Chancellor.

The petition of Henrietta Bennett widow of William Bennett humbly shows, That by the Decree of this Honorable Court passed on the seventh day of January 1845 in the cause aforesaid the survey and return of certain commissioners to partition the real estate of which the said William died seized were ratified and confirmed and that thereby the portion of said estate designated as Lot No. 1 was decreed to your petitioner as and for her dower in the estate of her deceased husband and that the same lands described as

part No. 1, was also decreed to be the inheritance of John William Ricketts, Matilda Ann Ricketts and Mary Elizabeth Ricketts infant heirs of the said William Bennett subject to the dower of the said Henrietta Bennett so that in fact the said infants who are entitled to one fourth part of the said deceased's estate will derive no present interest therein, or that if they should be so entitled, your petitioner will get no dower right under the said Decree, the other portion of the said Estate to wit divisions No. 2, 3 and 4, not being subject to any dower right, a result which is alike injurious to your petitioner and the said infant heirs, and your petitioner now informs your Honor that of the 374 3/8 acres awarded as Lot No. 1, so far as regards 155 acres of the same were not the property of the said William Bennett, that he bought the same for one Samuel H. Benton and never paid and was never intended to pay for the same and that proceedings are now depending on the Equity side of Frederick County Court to procure a title for the same by the said Samuel H. Benton, that counsel was employed on behalf of your petitioner to represent this State of the title to your Honor but that the same was neglected and that she knew nothing of such neglect until said decree of this Court was passed, Wherefore your petitioner prays that the said Decree may be set aside the said cause reheard with liberty to produce such further proof as her rights as widow may render necessary and that the interest of the said Infant heirs may be duly and fully protected &c.

R. W. Gill, Solr. for H. Bennett.

Anne Arundel County Set.

Samuel H. Benton makes oath in due form of Law that in relation to said 155 acres mentioned in said petition, that there is now depending in Frederick County Court a proceeding in his behalf to procure a deed for the same to him, and that this Deponent paid for some land which the deceased William Bennett bought for this deponent and that he employed counsel for said petitioner in this cause who did not attend to the same.

Sworn to before me a Justice of the peace for said County this 17 day of February 1845.

Wm. Glover.

On which petition the Chancellor passed the following order.

In Chancery 19 February 1845.

Ordered that the said decree of the seventh day of January last be and the same is hereby set aside and annulled unless good cause to the contrary be shewn during the first four days of the next Term.

Theodorick Bland, Chl.

And afterwards to wit on the tenth day of March eighteen hundred and forty five came Thomas Hodges and Matilda his wife Henry Cooley and Edney his wife and John Bennett by their counsel Richard J. Bowie Esquire and filed in the said cause their answer to the said petition in the words following to wit.

To The Honorable Theodorick Bland, Chancellor of Maryland.

The joint and several answers of Thomas Hodges and Matilda his wife, Henry Cooley and Edna his wife and John Bennett to the petition of Henrietta Bennett widow of William Bennett dec.