December Term 1847.

These respondents answering each for himself and herself and not one for the other, to the aforesaid petition or so much thereof as they are advised it is material for them to answer answering say that the said Henrietta Bennett widow of William Bennett had full knowledge of the proceedings of the Commissioners appointed by your Honor to make partition of the real estate of Wm. Bennett decd. and should have shown cause if any she had before a final decree was passed in the premises. These respondents further answering say that it will appear from the docket entries of your Honorable Court that the Bill and proceedings in this cause have been pending two or more years and nearly twelve months have elapsed since the Commissioners made their division of the lands of the deceased. These respondents further answering say they are informed and believe that the report of the commissioners will show they have divided the estate whereof the said William Bennett died seized and possessed into four equal parts having first ascertained the value of the same taking into consideration the incumbrances thereon and that the lot assigned to the minor heirs of William Bennett viz, John William Ricketts, Matilda Ann Ricketts and Mary Elizabeth Ricketts was estimated subject to the incumbrance of the dower of the widow as equal in value to the other lots. These respondents are further advised that there is no legal or valid objection to laying the dower on any one lot of a decd. estate to the exclusion of the others, the incumbrance being always allowed for and if the and if the part assigned as dower is seperated from the residue of the estate and not included in the partition, no estate can be finally divided while the widow lives. These respondents aver that the lands assigned to the said Henrietta Bennett as her dower are much the most valuable portion of the decd. estate and her life interest therein does not reduce them below the other lots in value. These respondents further answering say that William Bennett died seized and possessed of all the lands included in Lot No. 1, that he had purchased about one hundred and fifty five acres part thereof a short time before his death, given his bonds for the purchase money and paid a considerable portion of the same if not all that the personal estate of the said William Bennett of the said Wm. is liable for the balance if any remains unpaid. These petitioners further answering say that they have heard there was a verbal understanding between William Bennett and Samuel S Benton for the sale and purchase of the last mentioned part of the said William Bennetts estate, but the said Samuel never complied with the terms of the agreement and these respondents never heard until the petition of the said Henrietta was filed that the said Samuel S Benton had instituted any proceedings in Equity to obtain a conveyance of the same and these respondents believe the claim of the said Samuel is wholly unfounded and false without this that any thing in the said petition contained, not herein before sufficiently answered is true the said respondents pray may be hence discharged with their costs in this behalf sustained.

Thos. Hodges.
Matilda Ann Hodges.

December Term 1847.

Henry his x mark Cooley.
Edna her x mark Cooley.

Richard J Bowie Solr. for Respondents.

Thos. Hodges, attyf for John Bennett,

Test. Leon Hays.

State of Maryland, Montgomery County Set.

Be it remembered that on this sixth day of March Anno Domini 1845 personally appear before the subscriber a Justice of the peace in and for the County aforesaid, Thomas Hodges and Matilda his wife Henry Cooley and Edna his wife and Thomas Hodges attorney in fact for John Bennett defts above named and made oath on the Holy Evangely of Almighty God that the matters and things herein stated of their own knowledge are true and those stated on the knowledge and information of others, they believe to be true. Sworn before. Leonard Hays, J.P.

And afterwards to wit on the eighth day of November eighteen hundred and forty five the Chancellor passed an order in the said cause on the petition of the said Henrietta Bennett in the words following to wit.

In Chancery 8 November 1845.

On consideration of the foregoing petition and the answer thereto it is ordered that the said petition be and the same is hereby dismissed with costs to be taxed by the Register.

Theodorick Bland, Clk.

And afterwards to wit on the 15th day of December eighteen hundred and forty five came Henrietta Bennett and John William Ricketts, Matilda Ann Ricketts and Mary Elizabeth Ricketts by their counsel John Johnson Esquire and prayed an appeal from the said Decree of the seventh of January eighteen hundred and forty five and also from the order of the eighth of November eighteen hundred and forty five to the next Court of Appeals to be holden for the Western Shore of Maryland in the words following to wit.

John Bennett and others } In Chancery.
against
Henry Cooley and wife et al.

The Register will enter an appeal in this case from the Decree of the 7th of January 1845 and the order of the 8th of November 1845 on the part of Henrietta Bennett and John William Ricketts, Matilda Ann Ricketts and Mary Elizabeth Ricketts.

John Johnson, for appellants.

Which said appeal was granted and the proceedings ordered to be transmitted and the same are hereby transmitted accordingly.

Maryland Set.

I hereby certify that the aforegoing is a true copy from the original proceedings in the said cause now remaining in the Court of Chancery of the said State.

In Testimony whereof I have hereunto set my hand and affixed the Great Seal of the said State this twentieth day of December in the year of our Lord one thousand eight hundred and forty five.

(Seal)

Louis Gassaway, Reg. Cur. Cancr.

Costs of Pet. Henrietta Bennett $48.22.
Dft. Costs — — — — — — — 11.05.
Cost of Transcript $18.25