

and whereof (exhibit A, hereto annexed) is a Copy may be allowed and added to him out of the proceeds of sale, which are of the share of the heirs of said William de? and that his said bill of Complaint may be so far incorporated with the present bill of Complaint, and proceedings, as that his reasonable costs therein already incurred may be here allowed him out of said share of said proceeds of sale, and as in duty bound will ever pray &

Wm Meritt Soll

Ordered by the Court, this 14<sup>th</sup> day of April A.D. 1853 that the parties to this bill shew cause if any they have why the prayer of the Petitioner should not be granted, on or before the 1<sup>st</sup> day of May provided a Copy of this order be served upon the Solicitor and upon the guardian of the Infant heirs, on or before the 25<sup>th</sup> Inst.

W. Nelson

Ordered by the Court, this 2<sup>d</sup> of May 1853 that this cause be referred to the auditor, and that he state an account in the presence of the share of the said of the said William de Smith de? and that the Petitioner have leave to substantiate his said claim before the auditor by proof, upon five days notice of taking of the same before the auditor, and upon such proof as may be satisfactory to the auditor and he authorized to allow the claim of the Petitioner out of said share, together, with his costs & the taxed costs of said bill N<sup>o</sup>. 2454. Equity

W. Nelson.

The following Copy of Petition & order filed 18 Apr 1853.

N<sup>o</sup> 2455 Equity in the Circuit Court for Frederick County sitting as a Court of Equity Thomas A. Smith and others versus Conuela de Smith and others The Petition of St Mortimer Anonson Respectfully shews to this Court That the proceeds of sale of the Real Estate in this cause, (made and reported by the Trustee for that purpose appointed - at certain share & delivered upon certain of the parties to this cause to wit: Thomas A. Smith Charles C. Smith Charles Rumsey and Ann E. his wife, Joseph Smith, and Mary de Smith as the surviving brothers, and sisters of the whole blood of William de Smith - deceased one of the devisees under the will of John de Smith de? who died after the decease of said Testator, intestate & without heirs - any issue That your Petitioner is a creditor of said William de Smith for medical services rendered to him in his last sickness, and for more than two years prior to his decease, and that the said William de Smith left no personal Estate, out of which his debts could be paid and no other property whatsoever besides his Interest in the lands, in this cause mentioned, and that no administration has ever been taken out, upon his personal Estate Your Petitioner further shews that Prior to the filing of the bill of Complaint in this cause - your Petitioner filed his bill of Complaint against the several heirs at law above named of said William, praying for a sale of his interest in said Real Estate, for the payment of the debts of said deceased, but that the said parties have never answered said bill and the repeated attempts of your Petitioner to cause process to