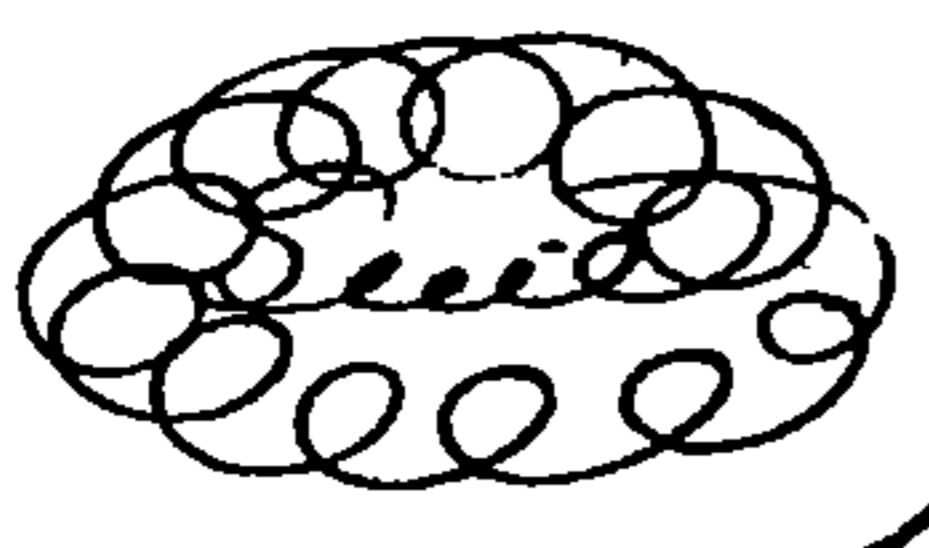


be served upon them hand all proved in availing, as by reference to the proceedings in said cause, which is Numbered 2454 on the Equity Docket of this Court will appear your Petitioner however finding that the present bill has been filed, and wishing to save all vacations & expensive litigation prays leave to come in by this his Petition - under the Decree in the present cause, and that his said Claim, the original whereof is filed in said cause No 2454 and whereof Ex A, hereto annexed is a Copy may be allowed and audited to him out of the proceeds of sale which are of the share of the heirs of the said William dec^d 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 well ever pray &c &c

Wm M. Muckell

Ordered by the Court this 14th 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 first day of May provided a Copy of this order be served upon the Solicitor & upon the guardian of the infant heirs, on or before the 25th Inst

W. Nelson



(True Copy Test / Shewed etc.)

which is this Enorse No 1 'Served' Caspar Mangum.

- The following Instructions to Auditor were filed Apr 20 1853
- | | | |
|-------------------------|---|---|
| Thomas A. Smith | } No 2455 Equity In the Circuit Court for - | |
| Chas. C. Smith & others | | Judick County, sitting as a Court of Equity |
| | | To Mr B. Luckett Auditor of said Court |
- Carilla A. Smith } You are hereby requested to proceed to state
 Philemon M. Smith } an account in this case in the following
 and others - manner.
- 1st you will procure the Costs, to be taxed by the Clerk & allow such Taxation &c
 - 2^d allow the Trustees the usual Commission & all personal expenses as may appear from vouchers, &c
 - 3^d allow the Solicitor for filing said bill & obtaining the Decree the sum of Forty dollars. \$40.
 - 4th allow to Louella A. Smith, the widow of John M. Smith dec^d such sum as it may appear she is entitled to as the widow of said dec^d in lieu of dower in one half of the proceeds of sale, the one half belong to the heirs devisees of said John M. Smith
 - 5th Auditor will then reserve that share of the proceeds of said sale of the one half, of said property as would have belonged to William A. Smith, one the devisees if he has not died, which share is to be reserved, until the rights of his creditors are settled who claim to be paid out of said share, in this case see Petition of St. Anderson filed &c
 - 6th The Auditor will allow to David Rinehart one of the defendants in this case, one half of the purchase money, after deducting - Commissions to Trustee his personal expenses & the costs & charges in obtaining said Decree, as aforesaid, as his proper -
- turn