

your Orator further States, that said George Schlosser; as such executor has fully settled the personal Estate of said Testator, and that the same was insufficient for the payment of the said Testators debts - That after the application, by said Executor of said personal Estate, towards the payment of said Debts, as far as the same would go, your orator, who is one of the said Testators children, and devisees, paid the greater portion, if not the whole of the residue of said Debts & took an assignment of the same to himself - and your orator is advised, and charges - that he is substituted, and succeeds to the rights of the said assigning Creditors, and is entitled to have said Real Estate sold for the payment of said Debts, one of which said Claims with the assignment thereof is herewith filed - as exhibit N^o. 3. your orators further charge - That after the payment of the debts of said Testator - the said Elizabeth Hollenberger is entitled under the provisions of said last will and Testament to have the residue of the money - the proceeds of sale of said Real Estate invested, under the direction of your Honor, and the Interest thereof paid to her during her natural life, and that on her death the said Children & devisees of said William Hollenberger are entitled to have the same distributed equally among them share & share alike, In tender Consideration, whereof, and for that your orator is helpless in the premises by the strict rules of the Common law, and relievable only in a Court of Equity, where matters of this nature are properly Cognizable. To the end therefore - That the said Elizabeth Hollenberger, Catharine L. John David, James & William & Lydia & Samuel S. Mary, George, Joshua, & Loretta Hollenberger, & George Schlosser may answer all, and singular, the Charges, and matters aforesaid as fully & particularly as if the same were here again repeated, and they thereunto interrogated, May it please your Honor to order, and decree the said Real Estate to be sold, by a Trustee to be appointed by your Honor, for that purpose, for the payment of the claims of your orator, and the other Creditors of said William Hollenberger, and that the residue of the proceeds of sale, if any after the payment of said Debts, shall be invested for the benefit of said Elizabeth Hollenberger during her life, and on her death to be distributed, under the direction of your Honor - among said Children, and devisees, and to extend to your Orator all such other, and further relief in the premises as the nature of the case may require - and May it please your Honor to grant unto your orator the State of Maryland writ of Subpoena, to be directed to the said Elizabeth Hollenberger, Catharine L. Hollenberger, John Hollenberger and Prouella his wife, David Hollenberger & Elizabeth his wife, James S. Hollenberger & Mahalah his wife, William S. Hollenberger & Elmira his wife, Lydia S. Hollenberger, Samuel S. Hollenberger, Mary Hollenberger, George Hollenberger, Joshua Hollenberger, Loretta Hollenberger, and George Schlosser of Frederick County, - thereby Commanding them, and each, on a certain day therein to be named to be and appear before your Honor, in your Honorable Court, in person, or by attorney, to answer all, and singular, the Charges, & matters aforesaid, and to stand to abide and perform such order & decree, in the premises, as to your Honor shall seem meet, and as the nature of the case may require, and your orator will ever pray, &c.

Grayson Eichelberger, Saller for Compt.

Exhibit N^o. 1. is in the words, & figures following vizt.

Maryland Set: The State of Maryland, to all persons to whom these presents may come.

Greeting: Know ye that the last will & Testament of William Hollenberger did hath in due form of law, been exhibited, proved & Recorded in the Office of the Register of wills for Frederick County, - a Copy of which is to these presents annexed, and administration of all the goods, Chattels & credits of the Dec^d. is here by granted, and Committed unto George Schlosser, by the said will appointed.

Witness Joshua Dill Esquire Chief Justice of the Orphans Court of Frederick County, this 9th day of October, One thousand, eight hundred & Forty eight.

Test.

Thos. Sappington Rego.