

of all other creditors of said Joseph Eichelberger, who will consent & contribute to the expenses of this suit. further states that said Joseph Eichelberger, was in his life time, indebted to your petitioner, in the sum of Five Hundred Dollars, by his single bill, bearing date on the first day of April 1857. & payable twelve months after the date, thereof with Interest from date, as well appears by said single bill herewith, filed number Exhibit. J.N. to Petition. That John S. Gammaman who appears by said single bill, to be bound and liable as the principal thereon, has become utterly insolvent, and has paid no part, or parcel of said single bill except what is credited thereon, and that the whole of said sum of Five hundred Dollars with the interest thereon still remains due, to your petitioner excepting the sums credited as aforesaid. Your petitioner further states that letters of administration of all & singular, the goods, and Chattels, rights & credits which were of said Joseph Eichelberger, were by the Orphans Court of Frederick County granted to Martin Eichelberger & Michael F. Eichelberger and that Martin Eichelberger has departed this life, leaving said Michael F. Eichelberger as the sole surviving administrator. That the personal estate of said Joseph Eichelberger is wholly inadequate to the payment of his just debts, and your petitioner is informed, and advised that he & the other Creditors of said Joseph Eichelberger are entitled to have their Claims paid out of the proceeds of the said sale, of the Real Estate. Your Honor is further informed that said Joseph Eichelberger died, leaving Elizabeth Eichelberger, as his widow, and the following named Children as his only Children & heirs at law, viz. Mary M. who has intermarried with John Seabrook, Michael F. Virginia, Susan M. Martin J. Grayson M. Marcus E. & Harriet A. Eichelberger, and that Harriet A. Eichelberger has since died intestate, leaving her brothers, & sisters as her only heirs at law, all of whom have been made parties to said Cause in Equity. And that Susan M. Martin J. Grayson M. & Marcus E. Eichelberger are infants, under twenty one years of age, and with the other parties, reside in said County, and State.

In tender Consideration whereof, and for that your petitioner is reminded in the premises by the strict rules of the Common law, and a relief only in a Court of Equity, where matters of this nature are properly Cognizate, and to the end, that the proceeds of the sale of the Real Estate of said Joseph Eichelberger, as made, and Reported by said Trustee Michael F. Eichelberger, or which may hereafter be made by him, or so much thereof as may be necessary may be appropriated to the payment of the claims of your petitioner & of the other creditors of said Joseph Eichelberger dec'd who may hereafter come in, and contribute to the expenses of this suit, and that your petitioner may have all such other and further relief in the premises, as the nature of the case may require, & shall be consistent with the rules of Equity May it please your Honor to pass an order to be served by the Sheriff of Frederick County, on Michael F. Eichelberger surviving administrator of Joseph Eichelberger dec'd Mary M. & John Seabrook Michael F. Eichelberger, Virginia Eichelberger Susan M. Eichelberger Martin J. Eichelberger, Grayson M. Eichelberger Marcus E. Eichelberger to show Cause by a certain day, why the proceeds of the sale of the Real Estate of said Joseph Eichelberger, shall not be applied in discharge of the claims of your petitioner & the other Creditors of said Joseph Eichelberger dec'd? Your petitioner will ever pray &c. Charles Eichelberger att' for Petn.