George Hartman
vs.
Joseph Smith Exr of
Middleton Smith —

No 1836 Equity In the Circuit court for Frederick County sitting as a Court of Equity. To the Honorable Maccon Nelson Judge of the Circuit Court, for Frederick County sitting as a Court of Equity. The petition of John Smith of M. of said County Respectfully sheweth unto your Honor, that on the 30th day of July 1849 he was by a Decree and order of Frederick County Court, as a Court of Equity, appointed a Trustee in this case, in the place, and stead of Joseph Smith the former Trustee who was dead all which fully appears by the petition of George Hammack & Catherine Hammack his wife, filed in this case, on the 30. day of July 1849 and the order & Decree, making said appointment, which petition & Decree of the 30th July 1849, and all other proceedings in said Case, No 1836 Equity, are to be taken, and considered as part of this Petition, as if the same were here inserted, in words and figures Your petitioner states further that he, at the time, accepted the Trust reposed in him by said Decree, or order, and executed his Bond as required by said Decree, or order, as is fully shown by said proceedings. That after the appointment he your petitioner, was advised that he could not act as such Trustee and complete, and finish the Trust, as was intended by said appointment, as your petitioner was the purchaser of the Real Estate sold by the said Joseph Smith as the original Trustee, and that your Petitioner has not as yet paid all the purchase money, and has not obtained a Deed of said Real Estate, so purchased by him, and that he is advised that he will not be able to obtain a good and valid deed of Conveyance of said Real Estate so purchased by him, until a New Trustee be appointed in his place, and stead with authority to complete said trust your petitioner states further that he has not, in any way interfered with any of the Trust property, nor in any way complicated said trust and that he is anxious to have said Trust executed & completed by some Trustee, to be appointed, capable of discharging all the duties required to complete said Trust, your petitioner most Respectfully under all the Circumstances of the Case, begs leave to be discharged, from said Trusteeship, for the reason that he, under the Circumstances cannot execute the Trust by executing a Deed of Conveyance to your Petitioner is anxious to have a Title of the Real Estate, he purchased from the Original trustee, and to have the question in relation to the purchase money settled, and he is anxious to pay ~~the same~~ to some Trustee &c the sum of purchase money which is actually due from him, and to have the whole matter settled up. Your petitioner respectfully would recommend as a suitable & proper person to be appointed as Trustee in this case in his place, and stead so that the said Estate of Middleton Smith dec^d may be finally settled, and closed Grayson Eichelberger who is hereby recommended as Trustee

May it please your Honor by a Decree, and order of this Honorable Court to appoint Grayson Eichelberger as the Trustee, in the place & stead of the said Joseph Smith dec^d and your petitioner to finish & complete the trust heretofore reposed in the said Joseph Smith &c and to do all things necessary to be done to finish and complete said Trust, and may it please your Honor to extend to your petitioner all such other and further relief in the premises as shall be deemed necessary to be done, which in duty bound your petitioner will ever pray &c John Smith of M.