Complainant further charges that the said John R. F. Witherow died intestate as aforesaid and that John Witherow and John A. Martin are appointed by the Orphans Court of Frederick County administrators and have acted as such as will appear by the Exhibit marked Exhibit No 7 and your Complainant alledges that the said John R. F. Witherow was and is still indebted to your Complainant in the sum of Eight hundred and seventy four dollars & ninety three Cents with interest from the second day of July in the year 1857 and that the personal estate of said intestate is not sufficient to pay his debts as will more fully appear by the Exhibits marked Exhibits No 8 & 9 and that it will be necessary to sell the Real Estate of said intestate to satisfy the claim of your Complainant and such other creditors who may come in under this bill.

Your Complainant further alledges that John R. F. Witherow at the time of his death left a widow named Mary A. R. Witherow of Frederick County who consents to the sale of said Real Estate and the following Children all infants under the age of twenty one years and all of Frederick County State of Maryland to wit John W. Witherow, Elizabeth Witherow, Thomas S. Witherow, John Ross Witherow and William Witherow to whom said lands descended as heirs at Law. To the end therefore that the said John Witherow and John A. Martin administrators of said John Ross Witherow and John W. Witherow, Elizabeth Witherow, Thomas S. Witherow, John Ross Witherow and William Witherow may answer the several matters and things hereinbefore stated as fully and particularly as if they were herein again repeated and they were thereunto specially interrogated and that the real estate in the proceedings mentioned or so much as may be necessary may be sold for payment of your Complainants claim and for the payment of the claims of the other creditors who may come in under this Bill and that your Complainant may have such further and other relief as the nature and equity of his case may require.

May it please your Honor to grant unto your Complainant the writ of Subpoena against the said John Witherow and John A. Martin administrators of John Ross Witherow dec^d and John W. Witherow, Elizabeth Witherow, Thomas S. Witherow, John Ross Witherow and William Witherow all of Frederick County State of Maryland commanding them to appear in this Court at some certain day to be therein named, to answer and abide by and perform such decree as may be passed therein and as in duty bound &c.

Wm. L. Ross Solicitor for Complainant

$874.93. On the 2^d day of December 1849 I promise to pay to John Witherow the Trustee in No 2027 in Frederick County Court as a Court of Equity eight hundred and seventy four dollars and ninety three cents it being part of the purchase money for real estate purchased of John R. F. Witherow from said John Witherow Trustee as aforesaid with interest from date. Witness my hand and seal this 2^d day of December 1848

John R. F. Witherow (Seal)