

money arising on such Sale, or Sales and the bonds or notes which might be taken for the same to be disposed of under the directions of this Court after certain deductions therefrom as by said Decree more fully appears. Your Petitioner sheweth that said trustee filed their report of sale in this Cause on the 27th day of December 1858 and your Honor finally ratified said report and sale by your order filed 25th January 1859 and at the same time your Honor referred the proceedings to the Auditor of this Court to state an account but the papers and proceedings in said Cause have not yet been placed in the hands of the Auditor under said reference to him. No has said Auditor proceeded in any respect in the execution of said order. Your petitioner humbly sheweth that the proceeds of sale now in the hands of the Auditor for distribution are the proceeds of real estate called the Catactin Iron Works and the lands thereto attached and your Petitioner sheweth that on the 25th November A.D. 1836 and the said Peregrine Fitzhugh also a Co-defendant in this Case executed an agreement or articles of Copartnership a true copy whereof marked Exhibit A B N^o 1 is herewith filed and prayed to be taken as a part thereof.

Your Petitioner further sheweth that the object and intent of both parties in executing said agreement which had previously been verbally concluded between them was to hold and hold such works as Co-partners the said Catactin Iron Works and the lands attached thereto which thereby became and were to be considered as Copartnership property for the purposes of said Copartnership.

Your Petitioner further sheweth that on the same day and with the like intent and purpose and with a view to the carrying on of said Copartnership the said Peregrine Fitzhugh together with his wife S. Margaret Fitzhugh and his Mother Sophia Fitzhugh executed and delivered to your Petitioner the original deed whereof Exhibit N^o 6 filed with the bill of Complaint in this Cause is a true copy and the same is prayed to be taken as a part of this Petition.

Your Petitioner further sheweth that the object and intent of said S. Margaret Fitzhugh and Sophia Fitzhugh in writing in said deed was to give to your Petitioner for the carrying them mentioned an equal undivided moiety with the said Peregrine Fitzhugh in the premises they conveyed clear of all liens and incumbrances thereon so far as the same were or might be asserted in said grantors.

Your Petitioner charges that the said Sophia and S. Margaret Fitzhugh were at the time of executing said last deed fully aware of the said Copartnership and the object and uses to which said premises were designed to be applied and used by the said Peregrine and your Petitioner and they executed the said deed for the purpose of facilitating and promoting