

not be made the subject of the Auditor's report describing said proceeds. Your petitioner further sheweth that it appears by the proceedings in said Cause that other parties besides the said Complainant and the Frederick Loan Savings Institution design to claim here on said net proceeds and a conflict will therefore necessarily arise between your petitioner and all of said parties and especially said Sophia Fitzhugh and S. Margaret Fitzhugh so that it becomes necessary that said case shall be fully prepared for the action of the auditor upon all and every of said claims so pending in and upon said net proceeds that all the property and effects of the said firm of Fitzhugh and Kunkel taken together will not be any thing like sufficient to pay the Copartnership debts and liabilities now if the said pretended claims of the said Sophia Fitzhugh and S. Margaret Fitzhugh are excluded from receiving any portion of the said trust funds and that your petitioner will lose a large sum of money by reason of the utter insolvency of said firm which he will be compelled to pay as an individual out of his private funds.

Your petitioner further sheweth that the said Margaret Fitzhugh is indebted to your petitioner on a final settlement of the said Copartnership account in large amounts for her and other joint property sold by her and that the said firm of Fitzhugh & Kunkel are owing large amounts of money which the partnership assets are not sufficient to satisfy and discharge but such deficit will be largely and ruinously increased to your petitioner if said her and or any of them are allowed to absorb any portion of the proceeds or assets arising from said sale. Your petitioner further sheweth that she and said Fitzhugh are sued at law on a number of said claims by a your petitioner claims that said Fitzhugh will be found largely indebted to him on such final settlements and that so far as your petitioner knows or believes the said Fitzhugh has no separate property or means for the payment of such indebtedness or to indemnify your petitioner in the premises. Wherefore pray the vice that your petitioner may have relief in the premises may it please your Honor. He refers this case to the auditor with directions to take an account from the pleadings and proof in the Cause and such other proofs if any on the parties may produce before him on giving the usual notice and especially with directions to report to your Honor how the amount claimed in said suits against the said Fitzhugh & Kunkel as Copartners aforesaid and

By the
H. P.