

of the said Jacob M. Kunkel are utterly destitute of
 correctness in fact but on the contrary all said
 allegations and representations are incorrect & untrue
 and she states that when the said Jacob M. Kunkel
 became the purchaser of the said undivided moiety
 of the said Real Estate and personal property he not
 only had the notice of said liens and incumbrances
 which the public Record gave him but she further
 states that he had express notice of said liens and
 incumbrances and knew actually of their existence
 and made said purchase with full express and
 direct notice of the same and of the liability of the
 moiety of the said Fitzhugh of said property for said
 debts mentioned in said Mortgage all which facts
 your petitioner is ready and prepared to prove by ample
 testimony when a proper occasion shall occur and your
 petitioner states that the said Jacob M. Kunkel in and
 by his said petition prayed that an account might be
 stated by the auditor of the State and creditors of the
 partnership affairs of the firm of Fitzhugh & Kunkel
 and of the debts due by said firm and that on the
 said 19th day of March 1859 your Honor passed an order
 accordingly.

Your petitioner begs leave to suggest to
 your Honor that the several creditors of Dequines
 Fitzhugh mentioned in said Bill of Complaint are in
 no wise concerned or interested in the state & condition
 of the partnership affairs of the said firm of Fitzhugh
 & Kunkel and are entitled to have the said proceeds
 of sale now in your Honorable Court applied to the
 payment of the debts due them with as little delay
 and cost as practicable and that not only will the cost
 of the examination & statement of an audit as prayed
 by said Kunkel be considerable and be a charge on
 said proceeds of sale which will probably be insufficient
 to discharge in full the liens and incumbrances
 already thereon or on the moiety of the said Dequines
 Fitzhugh but the same must also cause delay in
 the settlement of the said estate and in the proceedings
 necessary thereto and she states and suggests that the
 said Jacob M. Kunkel can and will have exactly
 the same means and opportunities of contesting any
 claim which may be stated in an audit distributed
 proceeds of sale which all other creditors and parties
 interested in the proceedings of your Honorable Court
 have under the rules and practice of your Honorable Court
 by objecting thereto within the time allowed by the rules
 of your Honorable Court for that purpose after an
 audit shall have been filed and she further states