an equitable lien to the said Kunkel as he claims the amount of that indebtedness is not material for your petitioner that the said Fitzhugh is indebted to the said Kunkel on partnership accounts in a larger sum that said proceeds of sale are sufficient to pay if the same are partnership debts and that the same would happen on a fair settlement of said accounts and also that the said Fitzhugh is insolvent and your petitioner respectfully shows that this admission is all that is necessary to notify the said Kunkel properly of contest the priority of his said pretended lien as against the mortgage lien claimed by your petitioner as aforesaid before your Honorable Court and therefore your petitioner further avers that it would create great and unnecessary delay and an occasion necessary costs to the very great injury of your petitioner and other parties interested in the said case an account to be taken of the voluminous and embarrassed affairs of the said copartnership as a preliminary step to the adjudication of the single question of the priority of the mortgage lien claimed by your petitioner & of the equitable lien claimed by the said Kunkel. Your Petitioner is advised that the proper time to adjust the accounts between the said co-partners will be after the conflicting claims of the said Kunkel and your petitioner shall first have been passed upon by your Honor and that if the lien claimed by your Petitioner shall be postponed to the lien claimed by the said Kunkel it will then be competent & proper for the said Kunkel to seek an adjustment of the partnership accounts as aforesaid. Therefore your petitioner prays that the order passed in this cause by your Honor on the 19th of March 1859 on the petition of the said Kunkel may be rescinded and that your Honor will pass an order referring said cause to the auditor with directions to state an account distributing the said trust fund according to the usual practice of your Honorable Court and to take such proof as may be offered by any party interested in giving the usual notice so that the question and issue of the priority of the said conflicting liens and claims may be properly presented to this Court and that your petitioner may have all such other and further relief as the nature of her case may require and as in duty &c

C. Louis Lowe Solicitor
for Sarah Margaret Fitzhugh
by her next friend John L. Lee

A G.

To the Honorable M. Nelson Judge of the Circuit Court for Frederick County sitting in Equity

The petition of Sarah Margaret Fitzhugh one of the defendants in the cause No 2805 on the Docket of your Honorable Court by her next friend John L. Lee respectfully