

No. 5071 Equity.

suit was brought in the life time of the said Gaither, and a judgment recovered, after his death, as will fully appear by reference to a copy of said judgment herewith filed, as part hereof and marked Exhibit No. 1;

2. That the Personal Estate of the said Gaither has been settled in the Orphan's Court of Frederick County, and was wholly insolvent;

3. That the proceeds of the sale of the real estate is still in the hands of the Trustee undisposed of, and your Petitioner is advised that he is entitled to have his said claim and Judgment paid therefrom before any distribution is made between the heirs-at-law of the said Gaither.

4. That the parties entitled, as heirs at law of the said Gaither, to the said fund in the hands of the said Trustee, are all parties to this cause, either as plaintiffs or defendants;

5. That some of said parties are now residents of the State of Maryland and the others reside in Frederick and Montgomery Counties in this State, as will appear by reference to the Testimony in this cause;

6. That John Gaither, a son, and his wife, Leah, reside in Montgomery County, Maryland; Charlotte Lockett, a daughter, Mary Juncks, a daughter, (both of whom are widows), Emma Bruce, a daughter, and Richard Bruce, her husband, Jane Jackson, a daughter, and Benjamin Jackson, her husband; Miranda Gaither, a grand daughter, and Florence Butler, a grand daughter, all reside in Frederick County, aforesaid; and Mary Juncks, a daughter, and Lanna Richardson, a daughter, and Albert Richardson, her husband, reside in the State of Pennsylvania;

7. Your Petitioner prays for the following relief; 1. That his said Judgment may be decreed to be paid out of the trust funds in the hands of the Trustee in this cause before any distribution shall be made thereof among the parties entitled thereto; 2. That a summons may issue against the said parties who reside in the State of Maryland, as named in the 6th. paragraph of this petition, and an order of publication against the nonresident parties named in said paragraph, naming each to appear by some certain day to show cause, if any they have, why the relief prayed for should not be granted; (3). That Your Petitioner may have such further relief as his case may require

And as in duty bound &c

Jas. McSherry - Solicitor for Petitioner.

The foregoing petition having been read by the Court - It is thereupon this 26th. day of June in the Year Eighteen Hundred, and eighty six, by the Circuit Court for Frederick County, sitting as a Court of Equity, ordered, adjudged, and decreed that the Petitioner cause the nonresident parties in this cause to be notified, of the objects and substance, of this Petition by an order of Publication in the usual form, and the resident parties, both infants, and adults, by a summons in the usual form returnable on the first Monday of July next, to the end that said parties may show cause, if any they have, why the relief prayed in the said petition should not be granted.

John A. Logue
Judge of the Circuit Court

Exhibit

Petitioner
Answer
Petitioner
Court