Court here therein from term to term of the said Court until the second Monday of February next thereafter.

At which said second Monday of February and 11 day of the said Month in the year of our Lord 1861 comes again into the said Court here the parties Complainant and defendants aforesaid and the Judge of the Circuit Court for Frederick County aforesaid sitting as a Court of Equity. Whereupon the Complainant by his Solicitors aforesaid files in Court here the following instructions to the Auditor as follows to Wit.

Instructions to the Auditor.

Jacob M Kunkle
vs
Peregrine Fitzhugh Sarah M Fitzhugh Priscilla Wise and Sophia Fitzhugh

No 2806 Equity.
In Circuit Court for Frederick County
Sitting as a Court of Equity
vs
Grayson Eichelberger Esq Auditor of this Court

This cause was on the 25 of September 1860 by an order of the Circuit Court for Frederick County as a Court of Equity referred to you as Auditor to state an account between the receivers and trustees in the cause and the parties entitled to the funds in the hands of the said trustees all of whom of every description after deducting the costs charges, commissions and expenses of the receivers and trustees are claimed by Jacob M Kunkle the Complainant so the said Jacob M Kunkle the Complainant in this case by his Solicitor hereby instructs the Auditor to proceed to state and report to the Court an account in this cause as follows,

1st The Auditor will charge the said trustees so with the whole of the proceeds of sales and moneys received on various accounts and sales by them stating distinct and separate the moneys received for different and distinct kinds of property and accounts as reported by said trustees, The Auditor will carefully examine the Report of the Trustees of the sales and collections so

2d The Auditor will then deduct from said sums all the costs charges and expenses of the said sale and collections and the usual commissions to the trustees and ascertain the actual sum of money in the hands of said trustees after such deductions,

3d All the balance of said sums of money after making such deductions the said Jacob M Kunkle claims to be allowed to Mortgagee and second partner of the late firm of Fitzhugh and Kunkle

The Auditor is hereby instructed to form in his statement of the accounts the whole of the money in the hands of the said trustees after the deduction as aforesaid to the said Jacob M Kunkle and report the same to the Honorable Court of Equity for future action.

Jos M Palmer
Solr for Complainant &c

At the same time to Wit on the 11 day of September 1861 was filed in the cause aforesaid the Petition of Montgomery Johns Surviving Executor of John Johns deceased the Exhibits therein and the Court order thereon

following to Wit,

Petition of Montgomery Johns and Courts order.

Jacob M Kunkle
vs
Peregrine Fitzhugh and others

No 2806.
In Circuit Court for Frederick County sitting in Equity

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

Your petitioner Montgomery Johns surviving Executor of the last Will and testament of John Johns late of Baltimore County deceased respectfully states that the said Testator had at the time of his death a certain and several single Bill executed by Peregrine Fitzhugh & Margaret Fitzhugh and Sophia Fitzhugh for the sum of Four thousand Dollars dated Jany 11 1855 which is herewith exhibited marked Exhibit D D and that the said single Bill with interest thereon from the 20 day of Jany in the year 1858 remains unpaid and that your petitioner as surviving Executor as aforesaid that on the same day of the date of said single bill the said Peregrine Fitzhugh executed to the said Sophia Fitzhugh a Mortgage on the personal property sold by the trustees in the above entitled cause to indemnify her as security in said single Bill and your petitioner prays that the may be substituted to the rights of the said Sophia Fitzhugh under said Mortgage and that the amount of principal and interest due on said single bill may be audited by your petitioner in the distribution of the proceeds of sale of said personal property in your Honorable Court, and that your petitioner may have such other relief in the premises as he may be entitled to And your petitioner files herewith a copy of said Mortgage marked P F S H and also an explanation of the letters testamentary granted to his now deceased Co executor and himself marked M H D J M J.

Thos P Manesby
Solr for Petitioner.

Ordered on the above petition that the same be referred to the Auditor with instructions to allow in the distribution of the proceeds of sale in the above entitled cause the single Bill and interest due Mortgage in said Petition to the petitioner subject to any proper exceptions that be taken to such allowance

Exhibit D.D.

M Nelson

Catoctin Jany 11th 1865.

4000 00/100. Twelve Months after date We or either of us promise to pay to the order of John Johns Esq Four thousand Dollars for value received with interest payable quarterly at the Merchants Bank of Baltimore.

Peregrine Fitzhugh Seal
Margaret Fitzhugh Seal
Sophia Fitzhugh Seal

Which with then Endorsements Recd Oct 30th 1855 of M H D Johns of P Fitzhugh $60 for one quarter Int Jno Johns, Recd Jany 56 of six sixty Dollars Jno Johns, May 30 1856 D V J M Pottinger sixty dollars duple reds John Johns Recd Augt 29 1856 of D J M Pottinger sixty for 3 Mos Int duplicated John Johns Recd Nov 21 1856 of Pottinger