Lot No. 17, stands in the name of Philip Eutter, was by him transferred, as is claimed, to Charles Bredemeyer, and by said Bredemeyer transferred to Dr. Wagner, whose widow is a paying member of the church.

Lot No. 18 stands in the name of Albert Leekamp, who was the step-father of the said widow of Dr. Wagner.

Lot No. 28 stands in the name of O. Simon, and was by him assigned, as is claimed, to ~ Kleibecker and Boltman, who are paying members of said church.

Lot No. 57 stands in the name of T. Sink, and is claimed by the widow of T. Lenz, who is a paying member of said church.

Your orators do not undertake to pronounce upon the correctness of these claims, but leave the same to be established by the parties by proper proofs.

And your orators further aver and charge, that the said property has not only ceased, as before stated, for more than thirty years, to be used for burial purposes, but it has also ceased to be fitted for such purposes by its position and surroundings.

Your orators further state, that the said corporation has been subjected to heavy charges in the matter of the opening and condemnation of city streets through the property, and will probably be called upon to pay other like public assessments without gaining any advantages therefrom.

And therefore it is necessary and would be for the interest and advantage of all parties interested that the ground should be sold and the proceeds of sale distributed among the parties interested, according to their several interests; your orators claiming that the said church

in its corporate capacity, is entitled to all of the said property except such burial lots as remain in the possession of the parties or their heirs, to whom certificates as aforesaid may have been issued, and who may still continue to hold possession of such lots, as members of the church, paying at least two dollars per annum for church dues.

And your orators being advised that the said corporation has no right to sell and dispose of any of the said property, it is remediless in the premises without the aid and interposition of this Honorable Court, which, by virtue of the Act of Assembly for such cases made and provided, has jurisdiction to decree a sale of and give a good title to said property.

To the end, therefore, that the persons hereinafter named, being the original lotholders in said cemetery as named upon the said plat, and their heirs and assigns, whether they be residents or non-residents, adults or infants, may be duly warned to appear on or before a day to be fixed, and show cause why the relief herein prayed for should not be granted: that a decree may be passed for the sale of the whole of said property and a distribution of the proceeds of sale among the parties interested according to their several interests, and that they may have such other and further relief as their case may require.

May it please this Honorable Court to grant unto your orators a writ of publication, in manner and form as prescribed by the Act of Assembly in such cases made and provided, against all persons named in the said plat, as having at one time held certificates of burial lots in said property, to wit: Peter Sauerwine, P. Horn, M. Shorr, T. and Benj. Herring, F. Brendle and H. Trump.