Tran.

The Baltimore c. of
the Improvement of the
of the Poor.

vs.

John H. Ing
Executor
Rebecca Monteith

Petition filed on the 3. day of March 1862

(7)

No 1

1862.

Petition of

The Baltimore Association for the improvement of the condition of the Poor

vs.

John H. Ing
Executor of
Rebecca Monteith

filed on the 3rd day of March 1862

(1).

To the Orphans Court for Baltimore City.

The Petition of The Baltimore Association for the Improvement of the Condition of the Poor

Respectfully shows

That on or about the fifteenth day of March 1861 John H. Ing Esq. Executor of Rebecca Monteith settled a second account of his administration of her Personal Estate by which duly recorded in this Court there appears to be a balance of five hundred and ninety two dollars and sixteen cents in his hands.—

These petitioners pray that said Executor may settle a third and final account of said estate according to law & that said petitioner being legatees in said Will may have paid to them any sum which upon such settlement of said estate may be coming to them. and if for any reason it appears that there is any sum of money in the hands of said Executor not now payable to them they pray that it may be brought into this Court by said Executor to be invested under order of this Court so that the Association may not lose any further interest and they will claim interest on the amount which has remained in the hands of said Executor uninvested. & they pray that if there be any claim

ant against said estate for whose claim it is necessary that any money should be held & not paid over to said Association — they the said Executor may be ordered by this Court to take such proceedings as may be legal & proper to ascertain said claim & debar said claimant from the right further to delay said Executor, in the settlement of said estate.

And they pray for such other & further relief as the nature of their case may require.

And that a citation may be issued for said Executor or that the same now in Court here at the time of filing this petition may answer the same, & shew cause why orders should not be passed as prayed.

Edw.d Otis Huntley
Atty for Petitioner

1862 No 2

Rebecca Monteith's
Estate
Order of Court

Passed and filed on the 3rd day of March 1862. Same day recorded in "Proceedings of Court" Liber I.P.C. "No 33" folio 372" and Examined
per Isaac P. Cook
Regr

Service of copy admitted.
March 3rd 1862.
Mo. H. Irg
E. D. R. Monteith

In the Orphans Court for Baltimore City.

Ordered this third day of March in the year eighteen hundred and sixty two ~~that~~ on the Petition of the Baltimore Association for the Improvement of the Condition of the Poor that John H. Ing Esq. Executor of the estate of Rebecca Monteith do answer the said petition on or before the thirteenth day of March, 1862, — provided a copy of this order be served upon him on or before the sixth day of March, 1862. —

Jos H. Audoun
Franklin Supplee

1862. No 3

Answer of

John H. Ing

Executor of

Rebecca Monteith

to the Petition of

The Baltimore Association

Filed on the 24th day of March 1862.

(4)

Baltimore City, to wit: On this 13th day of June 1862 in the year Eighteen Hundred and Sixty-two, before the Subscriber a Justice of the Peace of said for said City, appeared John H. Ing, and made oath that the statements by him in the within answer is true to the best of his knowledge and belief.

William G. Forrester J.P.

The answer of John A. Mg. Executor of Rebecca Marbetti to the petition against him filed in the Orphans Court for Baltimore City by the Baltimore Association for the Improvement of the Condition of the Poor.

This respondent answering said petition and so much thereof as he is advised it is necessary to respond to says

That on or about the 15 day of March A.D. 1861. he stated a second account of his administration of the personal estate of deceased — for the particulars of which he refers to the said account.

This respondent cannot at this time state a "final account" because of an outstanding "claim" for $520 and interest, presented against the Estate, unsettled, which the respondent, for the

benefit of the petitioner, felt bound to resist, which claim is in progress of suit, under an agreement to docket a case with Coleman Elliot Esq. Counsel for the claimant, entered into about April 1861.

From the investigation made by this respondent and from the statements of the counsel having the matter in charge, this respondent believes the claim to be just, though liable to be barred by limitation, if pleaded by respondent.

This respondent further states that being called on by the Counsel of the petitioner for information in regard to the condition of the Estate, he communicated such thereto by letter a copy of which filed herewith marked "A", is prayed to be taken as part of this answer as fully as though herein set out at length.

This respondent is by the will of deceased directed to "enclose with a granite curb and wrought iron railing - the grave lot of deceased in Green Mount Cemetery

This respondent has delayed until the

settlement of the "claim" aforesaid

This respondent states that he has handed over to the petitioner every asset in his power to deliver, - at the time of so doing the respondent received from the petitioner's counsel (J. T. Morris Esq.) an assurance that if what had been paid petitioner should prove an overpayment, so much should be refunded as might be necessary to protect respondent. If the "claim" above should be recovered in full, such action on the part of petitioner will become necessary

This respondent denies the right of the petitioner, under the circumstances, to pray an investment of the funds in the hands of the executor, because by the law of Maryland the respondent is permitted for his indemnity, to retain in his hands sufficient assets to meet outstanding claims.

And the Respondent prays accordingly to be hence dismissed. — Charles F. Mayer

Solr. for Respondt.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Messrs Hinkley & Morris

Gentlemen.

The condition of the Estate of Miss Monteith is as follows Balance undistributed $401.01. Mr Yellot has brought to my notice an unsettled claim against deceased, placed in his hands for suit, of $520.

I was asked by him to investigate the merits of the claim. I have done so and think the claim an honest one, yet I have notified Mr Yellot, he must serve the

Major Winfield Scott
Fortmann

The condition of the State
of Illinois is as follows
Balance unappropriated Jan. 1st.
Our Yellow fever brought to my notice
an unfounded claim against
Genesee, Placed in his hands
Pratt, 1878.
Now carefully have investigate
the merits of the claim. Have
found our Illinois the claim
an honest one, yet there nothing
our Yellow, he never paid the

claim to the satisfaction of a Land and Jury, I intending to plead the statute of Limitations and persist in such plea until all doubt as to the correctness of the claim shall be removed.

At the trial of the case I shall solicit the attendance of you Mr. Morris by whose advice in withdrawing or persisting in the plea I shall be in part if not wholly governed.

Yours truly Geo. H. Mc

P.S. I sometime back entered into an agreement with Mr Elliot to decide case.

4

1862. No 5

Baltimore Poor Association
vs.
John H. Ing Executor
of Rebecca Monteith

General Replication

filed on the 14th day of March 1862.

(1)

In the Orphans Court for Baltimore City

In the matter of the Petition of the Baltimore Association for the Improvement of the Condition of the Poor against John H. Jay, Executor of Rebecca Monteith.

The petitioner files a general replication to the answer of the respondent & requires him to prove the facts, matters & things therein stated

Edward Otis Hinkley
Atty for Petitioner.

1862 No 6

Amended Answer of
John H. Ing
Executor of
Rebecca Monteith
to the Petition of
The Baltimore Association for the
Improvement of the condition
of the Poor –

filed on the 25 day of March 1862

(7)

The amended answer of John W Ing Executor of Rebecca Mantech to the petition against him filed in the Orphans Court by the Baltimore Association for the improvement of the condition of the Poor

This respondent in amendment & explanation of his answer heretofore filed in the above case, states that ~~which~~ in said answer he has stated that an outstanding claim for $320 and interest was presented against the Estate he meant merely to aver that such a claim being the claim of Elizabeth Carlson for services rendered to the deceased

had been made known to and presented to this respondent as Executor but not that said claim had been "passed" by this Orphans Court, or had been in any wise "authenticated" or attempted to be authenticated in order to be so passed, the contrary of which he avers was the fact

And this respondent to identify said claim, as so made known to him, states that it is the same claim for which suit against him as Executor is now pending in the Superior Court of Baltimore City, and which has been Docketted by consent to the January Term 1862. And for

Wm. K. Ing
Ex. of Rollandson

Baltimore City S.

On this 25 day of March A.D. 1862 personally appeared before the Subscriber a Justice of the Peace of the State of Maryland in & for the City of Baltimore John H. Sohl maker of the foregoing amended answer & made oath in due form of law that the matters & facts set forth in the foregoing amended answer are true.

Wm. H. Davis, J. P.

1862 No 7

The Baltimore Association for the Improvement of the Condition of the Poor

vs.

John H. Ing
Executor of
Rebecca Monteith

General Replication

filed on the 25. day of March 1862

(7)

In the Orphans Court for Baltimore City

In the matter of the Petition of the Baltimore Association for the Improvement of the Condition of the Poor, against John H. Ing, Executor of Rebecca Moulcith.

The Petitioner, without waiving his exception to the granting leave by the Court to the Defendant to file an amended answer, at the trial of the case, under this proceeding, — now files a general replication to said amended answer and requires the defendant to prove the facts, matters & things therein stated.

Edwd. Otis Hinkley
Atty for Petitioner

1862 No 8

Rebecca Monteith's
Estate

Deposition of
Dr. Nathan R. Smith

filed on the 25th. day of March 1862

(7)

pa 1.

Testimony of Nathan R. Smith
Physician — March 25th 1862.

Knows Rebecca Monteith
Attended her in
Knows Elizabeth Edson
R. M. Fractured thigh bone
no person to take care of her
at first had to throw her out of the window
to the doctor & set it flying alone —
nurse her, cooked for her attended
did every thing for a considerable
length of time
attended ~~continuously~~ perhaps a month
~~sometime~~ not sure about the date
Edson attended as long as Dr Smith
R. Monteith did not die from
that injury
require attendance for 3 yrs at her period
of life for fracture thigh bone
gave all the surgical atten
dance necessary would not require
surgical attendance all that time
attendance of servant
— but would require care after that
time — she would be a cripple for
life

1862

Rebecca Monteith's

Estate

Deposition of

D. Lemuel L. Knight

Contestee

filed on the 25th March 1862.

(9)

In this case charge $10. to $5
Don't know whether she supplied her
with necessaries out of her own
money — make the fires — bring plate
of victuals through the streets
This accident rendered Miss Monteith as
helpless a child & she had to be atten
ded to as a child — so for two
months & after that dependant
upon assistance still

1862 No 9

Rebecca Monteith's
Estate

Deposition of
Dr. Samuel T. Knight

filed on the 26th March 1862

Dr. Saml. F. Knight
Witness for Jy March 25 Hex
Physician
Lucien R. Monteith
called to her in Dec. 49 fell on
the ice & fractured neck of
thigh bone.—
Knew Eliz. Colson very attentive
& kind to Mrs Monteith
supplied her with necessaries.
son & her colored servant
& Mrs Colson missed her herself
attendance near a year
in feeble health — & confined her to
her bed for a longer time Dr K, in attend
~~confined to bed~~ off & on for 6
months — was a cripple obliged
to use a crutch — required a
servant or assistant.
Mrs Colson was there see my direction
Mrs Colson had a servant & a daughter
were friends there — no other assistant
no hired servant.—
very singular disposition
very jealous & suspicious
called in Dec 49
attended 1 yr.
did not attend in her last
sickness — she lived several
years after this.—
Don't know whether she employed
her or gave her any compensa
tion —
Charge reasonable — Public Ward in
Infirmary $3. — Private 10 to 15

1862 No 10

Rebecca Monteith

Estate

Deposition of
Isaac P Cook

filed on the 26 day of March 1862

(9)

pa. 4.

Register of Willy

Isaac P. Cook examined March 26/62.

~~Ans~~ Excepted to

We heard several times here that there would be objections to the will — but there was never any formal objection made or caveat filed. —

~~Nothing~~

I have No distinct recollection who it was but of course it must have been some responsible person entitled to consideration — or else I should not have noticed it — They ~~examined~~ will & said there would likely be caveats filed

1862

Rebecca Monteith
Estate

Order of Court

Passed and filed on the 29th day of March 1862. Same day recorded in "Proceedings of Court" Liber J. P. C. No 33 Folio 401." and Examined.

Geo Isaac P. Cook
Register

In Baltimore City Orphans Court

In the matter of the Estate of Rebecca Monteith, deceased.

It is this 29th day of March 1862. Ordered and decreed by the Orphans Court for Baltimore City, that John H. Ing the Executor of the Estate of Rebecca Monteith deceased, bring into this Court on or before the Twenty first day of April next the sum of Three hundred and fifty Dollars, and that he charge himself with Interest, in his third account to be rendered to this Court, on the Sum of Five hundred and ninety two Dollars and Sixteen cents, from the date of his last account and that he reserve and apply the Sum of one hundred and ninety one $\frac{15}{100}$ Dollars ~~of Fifteen to~~ to carry into effect the provisions of his said Testatrix's Will, as regards erecting the railing around the Lot in the Cemetery, or so much as may be necessary ~~by the first day of August next.~~

J. Spear Smith.

Jos H. Audoun
Franklin Supplee

In Orphans Court

Order 22d. Apl 1862

In the Matter of the

Petition of Bates. Agt.

for the improvement of

the Condition of the Poor

Agt John N. Ing Exr.

of Rebecca Montreth

Service cit of order

admitted 23d. Apl 1862

Jno. N. Ing

Exr/Rell.

In Chancery

Mon 22d April 1811

In the Matter of the
Petition of Robert Cooper:
for the Improvement of
the Curiosities of the Tom
cap Plum. Proc &c.
Referred to Mr Estcourt

Chance City of Lon
Committee 23d Apr 1811

Mr W. Ivey
Solr Pet.

In Appellate Court
Nov 22 1898
In the matter of the
Petition of Mary E.
[illegible]
[illegible]
In Probate of the Last
Will & Testament of
[illegible]
Deceased
Leave granted after
argument & opinion filed
[illegible]

1862 No 13

Rebecca Monteith's
Estate

Order of Court

Passed and filed on the 22d day of April 1862. Same day recorded in "Proceedgs of Court" Liber I.P.C. No 33" Folio 426 &c: and Examined

Per Isaac P. Cook
Register

(7)

In the Orphans' Court for Baltimore City.

In the matter of the Petition of the Baltimore Association for the Improvement of the Condition of the Poor against John H. Ing, Executor of Rebecca Monteith.

Ordered this twenty second day of April 1862, upon the motion of the Petitioner ~~that for~~ an order to pay over the sum of three hundred and fifty dollars to the Petitioner that said motion be set down for hearing on the second day of ~~April~~ May 1862, provided a copy of this order be served on said Ing on or before the twenty fifth day of April 1862.

S. Spear Smith.
Jos H. Audoun
Franklin Supplee

I, Isaac P. Cook, Register of Wills for Baltimore City, do hereby certify that Thomas Bruscup, personally appeared before me on this 23rd day of April 1862, and made Oath on the Holy Evangely of Almighty God, that a certified Copy of the above Order of Court was duly served upon John H. Ing on the same day of April 1862.

Sworn to before me. Isaac P. Cook
Register of Wills,
for Baltimore City.

(A)

Geo. Colin

TRUST

In the Superior Court of Baltimore City,

Sept TERM, 1862.

Elizabeth Coulson

110
1862

vs.

John N. Ing Ex of
Rebecca Monteith

20 March 1862 Narr filed
2d April 1862 Pleas never indebted & limitations fd
3d July 1862 Referred to Philip Poultney
11 Sept 1862 Award for pltff fd
17 Sept 1862 Judgt. on award for pltff for $520.00 with interest from 10th Sept 1862 & costs & $10.00 costs to arbitrator.

Pltff costs $5.93
Deft — " — 4.13
$10.06

True Copy
TEST,
Geo E Sangston

1862 No 14

Objections of
John H. Ing. Executor of
Rebecca Monteith, to the
Order of Court, passed on the
22d day of April 1862

filed on the 28 day of April 1862

(7)

In the Orphans Court for Balto City.

In the Matter of the Motion of the Balto Association for the improvement of the Condition of the Poor against the Estate of Rebecca Martech - for the payment of $350.

The Executor objects & protests to said Motion being granted for the following reasons.

1st His Sureties on his Official Bond may be fully prejudiced thereby

2d. There is a claim against the Estate viz, the claim of Chas Carlson now in Court, investigated by the Executor and found to be a valid legal and just claim and one which judging from the Evidence submitted to the Executor will be recovered or by the claimant and if resulting in

In the Supreme Court for Public Duty.

In the Matter of the Motion of the Public Prosecutor for the imprisonment of the Contractors of Mr. Fox, against the State of Queensland Authorities - for the Imprisonment of 320.

The Executive officers of Mr. Fox having granted to the following Persons.

1. Mr. Hunter Native Officer is also imprisoned for Public Defrauding Revenue.

2. Persons a claim against the State for illegal claim and forwarded by the Executive and forwarded to a Public Legal and just claim and refusing fulfilling from the Business performed to the Executive full be responsed on the claimant and if resulting in the claimant and if resulting in

a judgment will absorb the whole fund to the credit of the Estate & has priority over the supposed claim of the legatee.

3d. Because the payment of such money into Court should not be disturbed until the final settlement of the Estate and until every legal claim & expense shall have been liquidated

4. Because the said fund should be invested under the order of the Court for the protection of all parties concerned.

5. Because the heirs-at-law are interested in part of said fund, if not absorbed in satisfying claims of creditors

Jno. H. McE
Ed. R. Mattheis

a judgment nisi which the trials
form to the creditor of the estate if
he persists on the strength claim
of the legatee.

3. Because the judgment debt never
only from those such distributed
until the final determination of the
estate and until every legal claim
against them have been liquidated

4. Because the foregoing thereby
market under the rules of the court
for the protection of all parties
concerned.

5. Because the Italian - law are intended
in part of indefinite, if not adequate in
satisfying claims of creditors

Yours. H. Ing
Ex: Rollmatch

1862. No 15

The Baltimore Association for the Improvement of the Condition of the Poor

vs

John H. Ing
Executor
Rebecca Monteith

Prayer for an Appeal

filed on the 28. day of April 1862

W. Cook
Tele thus Mohun
for Appeal

Jno H. Ing
Ex. R. Monteith
28 April 1862.

In the Matter of the
Estate of Rebecca Mantieth

On the petition of the
Association for the improvement
of the Condition of the Poor
vs. the Executor
of decision of Court
29 March 1.862

The Executor prays an
Appeal from the order of
the Court passed on the 29
March 1.862, [this Executor having
deposited in the Orphans Court
the sum of $350 as required by
said order] he the Executor
feeling aggrieved by the passage
of said order.

Wm. H. Ing
Ex. R. Mantieth
28 April 1.862.

1858. No 15

Copy

Rebecca Monteith's

Last Will and Testament

Rebecca Monteith's Last Will and Testament

In the name of God, Amen;

I, Rebecca Monteith, of the City of Baltimore Single Woman, am desirous of revoking and annulling all former Wills, which I do hereby, and am also desirous of making this my last Will and Testament.

Item, I give the following directions concerning my burial. I desire to be decently buried, and for that purpose direct my Executor hereinafter named to procure for me a Mahogany Coffin, with plated handles and plated tablet, with my name engraved thereon.

I wish a Hearse and twelve hacks or carriages.

I wish to be interred in my lot in Green Mount Cemetery and my remains to be cased in the vault, the same as my brother. I am desirous that after my remains shall have been interred to have my lot in Green Mount Cemetery enclosed with a granite Curb and wrought iron railing.

Item, After my just debts are paid, (I do not owe any at this date.) I direct my Executor hereinafter named to pay to Miss Anne Coyle immediately after my death, if she be living, the sum of one hundred Dollars and this, I give her for her services rendered me.

Item, Immediately after my death, my Executor hereinafter named, is directed to pay to Henry H. Smith, a free colored man, a baker by trade, who was raised by my two brothers and who now lives in Millersburg, Holmes County, Ohio, the sum of Three hundred Dollars, provided he be living at the time of my death.

Item, I am desirous of disposing of such worldly effects as I may die seized or possessed of, so that the poor may be benefitted thereby, and with that view, I do direct my Executor hereinafter named immediately after my death to sell my property, and to sell at such time as in his

judgment, the most can be realized therefor, and the proceeds thereof, pay to the Baltimore Association for the Improvement of the Condition of the Poor, to be by them used in purchasing wood and other fuel and provisions for the benefit of the Poor.

Item, I do hereby constitute and appoint John H. Ing. Esqr. of the City of Baltimore, my Executor, giving to him full powers to carry into effect every provision of this Will.

In Witness whereof, I have hereto signed my name and affixed my Seal to this my last Will and Testament, I hereby revoking and annulling all former Wills by me made.

Baltimore 7th April 1858.

Rebe Monteith (seal)

Signed, sealed, published and declared by Rebecca Monteith, the above named Testatrix as and for her last Will and Testament, in the presence of us, who at her request, and in the presence of each other and in her presence have, after satisfying ourselves of her mental Capacity, subscribed our names as Witnesses hereto.

L. W. Goldsborough
W. K. Mitchell
Charles E. Hoffman

Baltimore City, Ss. On the 26th day of August 1858, came L. W. Goldsborough and W. K. Mitchell, two of the subscribing Witnesses to the aforegoing last Will and Testament of Rebecca Monteith, late of said City, deceased, and made Oath on the Holy Evangels of Almighty God, that they did see the Testatrix sign and seal this Will; that they heard her publish, pronounce and declare the same to be her last Will and Testament, that at the time of her so doing, she was to the best of their apprehensions of sound and disposing mind, memory and understand-

ing, and that they together with Charles E. Hoffman, the other subscribing Witness thereto, subscribed their names as Witnesses to this Will in her presence, at her request, and in the presence of each other.

Sworn to in Open Court.

Test: ISAAC P. COOK, Register of Wills for Baltimore City.

In Testimony that the aforegoing is a true Copy, taken from "Wills Liber I. P. C. No. 28 folio 265 &c" being one of the Records in the Office of the Register of Wills for Baltimore City.

Thereunto subscribe my name and affix the seal of my Office this Eleventh day of June in the year of our Lord eighteen hundred and sixty two.

Test: ISAAC P. COOK, Register of Wills for Baltimore City.

Exd

---

664 Words

No 17

1860

Copy

Rebecca Monteith's

1. Administration Account

Rebecca Monteith's
1. Administration Account

Baltimore City, Set:
The First account of John H. Ing, Executor of Rebecca Monteith, Deceased.

This Accountant charges himself with an Inventory of the Personal Estate of the deceased, returned on the 3d day of September 1858 amounting to. $1973.22

And with an Additional Inventory returned on the 21. day of March 1860 amounting to. 20.00

And with three Semi-annual dividends on Franklin Bank Stock each $15.00 45.00

$2.038.22

And he craves an allowance for the following Payments & Disbursements.

Cash paid for the Funeral Expenses of the deceased, per account and receipts appear $108.85

Ditto paid Harrington & Taylor for Appraisement &c per account and receipt appears 9.25

Ditto paid Harrington & Bruscup for same per account and receipt appears 4.00

Ditto paid Elizabeth Garrett per account proved and passed and receipt appears 10.00

Ditto paid Dr Marbury Brewer per account proved & passed and receipt appears 115.00

Ditto paid Samuel H. Gover, Auctioneer for Commission, State Duty, Advertising &c in the Sale of Personal Estate per receipt appears 29.32

Ditto Allowed this Accountant for the Appraised value of 133¾ oz Silver Ware returned in the Inventory which proved to be plated Ware and is returned in Additional Inventory 160.20

Ditto Allowed this Accountant for the difference between the Sale and Appraisement of part of the Personal Estate of the Deceased which has been sold 2.78

Ditto paid Registers fees and for Copy of Account 12.57

Ditto paid Docket Entries and Sheriff 1.20

This Accountant's Commission on $1875.24 at 10 per ch 187.52

Payments & Disbursements. $640.69

Balance due the Estate consisting of:

Gold Watch $15.00 and Plated Ware $5.00		20.00
40 Shares of Franklin Bank Stock at $11.00 per Share		440.00
And in Cash		937.53
		1397.53
Estate Accounted for		$2.038.22

Baltimore City, Sct: On the 31st day of March 1860 came John H. Ing Executor as aforesaid and made Oath on the Holy Evangely of Almighty God, that the aforegoing account is just and true as stated, and that he has paid or secured the payment of every sum or sums for which he craves an allowance, which after examination is passed by order of the Orphans' Court.

Test: Isaac P. Cook Register of Wills for Baltimore City.

In Testimony that the aforegoing is a true Copy, taken from "Administration" Accounts Liber J. P. C. No. 68 folio 608 &c" being one of the Records in the Office of the Register of Wills for Baltimore City.

I hereunto subscribe my name and affix the Seal of my Office this Eleventh Day of June in the year of our Lord eighteen hundred and sixty two.

Test: Isaac P. Cook, Register of Wills for Baltimore City.

---

507 Words

In Testimony that the aforegoing is a true Copy, taken from "Administration Accounts Liber J. P. C. No. 70 folio 262 &c" being one of the Records in the Office of the Register of Wills for Baltimore City.

I hereunto subscribe my name and affix the seal of my Office this Twelfth day of June in the year of our Lord eighteen hundred and sixty two.

Test: Isaac P. Cook, Register of Wills for Baltimore City.

1260 Words

Copy
Collected Monthly
2nd Administration Account

1861

Wills

Rebecca Montieth's
2nd Administration Account

Baltimore City, Set.
The Second Account of John H. Ing Executor of Rebecca Montieth deceased.

This Accountant charges himself with the balance due on his 1st Account settled March 31st 1860 consisting of

Gold Watch $15:~ Plated ware $5:~	$ 20.00	
40 Shares of Franklin Bank Stock, at $11:~	440.00	
And in Cash	937.53	
		1397.53
And with dividend on Franklin Bank Stock		15.00
And with proceeds of Sale of Real Estate, see Account of Sale finally ratified November 12th 1860		2100.00
		$3.512.53

And he craves an allowance as follows, viz:

Cash paid Dr S. T. Knight, per account proved and passed and receipt appears Acct $93:~ Int " 16.74	$	109.74
Ditto paid Bruscup & Cornthwait for Appraising Real Estate per receipt appears		4.00
Ditto paid S. H. Gover Auctioneer for Commission, advertising, State Duty &c in Sale of Real Estate, per receipt appears		78.88
Ditto paid John F. McNillon for advertising ratification of Real Estate Sale		2.50
Ditto allowed this accountant for appraised value of the set of Plated ware stolen from Gover's Auction room, per statement herewith exhibited.~		5.00
Ditto paid Register's fees and for Copy of Account		9.25
This Accountant's Commission on $10:~ Personal Estate at 10 per Cent		1.00
Do " on $2100:~ Real Estate at 10 per cent.~		210.00
Cash paid Anne Coyle in full of Legacy bequeathed to her, per Release recorded appears		100.00
Ditto paid Henry H. Smith in full of Legacy bequeathed to him, per Release recorded appears		300.00
Ditto paid Baltimore Association for the improvement of the condition of the Poor, per Release of John C. Bruner, President, recorded appears		2100.00
Payments and Disbursements		$2920.37
Apparent balance due the Estate		" 592.16

of which the Executor proposes to retain the
sum of $ 191. 15
or so much thereof as may be necessary to
carry out the Will of the deceased by en-
closing with a Granite curb and wrought
Iron railing her Lot in Greenmount
Cemetery, which would leave in the
hands of the Executor the apparent
sum of 401. 01

Estate accounted for $ 3.512. 53

The above sum is not in the opinion of the Executor distributable at this time because of the notice given to the Executor of a claim for personal services rendered to the deceased by a Mrs McIntyre & her husband & family when Miss Monteith broke her thigh. The claim as notified to the Executor was for 52 weeks services at $10 per week, making $520.00. To such claim so presented the Executor replied he thought it an extravagant reward asked for, but promised to be guided in his plea of limitations to it if sued, and to the withdrawal of such plea by the judgment of Prof. A. R. Smith & of Dr. J. J. Knight who were said to be cognizant of the services rendered.

But if the above claim should be wholly defeated, there will be a bill against the Executor for Professional services & Court Charges.

Again, the Executor was notified shortly after taking out his Letters of intended Caveats to the Will. He has been notified since February 21st 1861 by one of the intended Caveatees of his intention if possible to defeat the Will and have it vacated. It is manifestly proper that the Executor should endeavor to thwart all such intentions and to enable him to do so he has retained Counsel to assist him and claims to retain the apparent balance in his hands remaining after settling the claim of McIntyre & wife (if settled) to defray the legal expenses attending the Caveats.

Again, When the Executor handed over to J. T. Morris Esq. Counsel for The Baltimore Association for the improvement of the condition of the Poor, the Deed for the Real Estate and took as pay therefor, the Associations Release for $2100: Mr Morris gave to the Executor the assurance that the Association would discharge a claim which Anne

Coyle had presented to the Executor against the Estate for over $1000:~ for alleged services by her to the deceased. This ~ claim the Executor refused to recognize unless arbitrated, ~ and then only on condition of his being a witness ~ This ~ claim was referred to arbitrament of Mr. McCoy who on ~ the 4th of February 1861 heard the evidence including that of this Executor. The Executor has heard though not officially that the Arbitrator Mr McCoy awarded to Miss Coyle $250:~. This sum with the Executors understanding with Mr Morris is of course to be paid by the Poor Association.~

Mr Morris on behalf of the Poor Association also assured the Executor that the Poor Association would at any time give him a Bond with surety satisfactory to him, to indemnify him from all risk or responsibility in paying ~ over the $2100:~ Legacy to the Poor Association. Mr Morris also gave to the Executor the assurance that the Legacy to the Poor Association should be by it specifically devoted to purchasing Wood and other fuel & provisions ~ for the benefit of the Poor.~

Jno. H. Ing
Exr. R. Montieth

Baltimore March 15th 1861.~

Received for the use of the State of Maryland, of John H. Ing Executor of Rebecca Montieth deceased, the sum of Ten Dollars, Being "a Tax or Duty of Two and one-Half per centum" on $400:~ the amount of certain collateral Legacies bequeathed by the Will of the said Deceased:- And which are subject to said Tax or Duty for the use of said State, in pursuance of the Act of the General ~ Assembly of Maryland, of 1844, chapter 237.- to wit:-

On $100:~	bequeathed to Anne Coyle	$ 2.50
" " 300:~	" to Henry H. Smith	7.50
$400:~		$ 10.00

Test: Isaac P. Cook, Register of Wills for Baltimore City

Baltimore City, Ss. On the 15th day of March 1861, came John ~ H. Ing, Executor as aforesaid, and made Oath on the Holy Evangely of Almighty God, that the aforegoing account is just and true as stated, and that he has paid or secured the payment of every ~ sum or sums for which he craves an allowance, which after examination is passed by order of the Orphans' Court.~

Test: Isaac P. Cook, Register of Wills for Baltimore City.~

1859. No 19 No 69

State

vs.

John H. Ing

Executor

Rebecca Monteith

" "

Securities

George G. Brewer

William D. Miller

" "

Cita.

Summoned

Jno O Creamer

Sheriff

filed on the 18th day of October 1859.

The State of Maryland,

TO THE SHERIFF OF BALTIMORE CITY—GREETING:

YOU ARE HEREBY COMMANDED to cite and summon John H. Ing Executor of Rebecca Monteith deceased; that laying all other matters aside, and notwithstanding any excuse,— be personally be, and appear before the **Orphans' Court for Baltimore City,**—to be held in the Court House in the City of Baltimore, on the 18th day of October next:

To return to our said Court **An Account** *of his Administration of the Estate of the said deceased.*

WHEREOF he is not to fail at his peril.

AND HEREOF, FAIL NOT AT YOUR PERIL—and have you then and there this Writ.

Witness, Edward D. Kemp Esquire, Chief Judge of said Court.

Issued this 20th day of September 1859.

TEST, Isaac P. Cook

Register of Wills for Baltimore City.

No 20

1859.

State

vs.

John H. Ing

Executor

Rebecca Monteith

" "

Securities

George G. Brewer

William S. Miller

" "

Cita.

Summons

Thos Creamer

Sheriff

Filed on the 30th day of November 1859

The State of Maryland,

TO THE SHERIFF OF BALTIMORE CITY—GREETING:

YOU ARE HEREBY COMMANDED to cite and summon John H. Ing Executor of Rebecca Monticello ~ deceased; that laying all other matters aside, and notwithstanding any excuse,— he personally be, and appear before the **Orphans' Court for Baltimore City,**—to be held in the Court House in the City of Baltimore, on the 30th day of November ~~next~~: insl-

To return to our said Court **An Account** *of his Administration of the Estate of the said deceased.*

WHEREOF he is not to fail at his peril.

AND HEREOF, FAIL NOT AT YOUR PERIL—and have you then and there this Writ.

Witness, Edward D. Kemp Esquire, Chief Judge of said Court.

Issued this 23rd day of November 1859.

TEST, Isaac P. Cook ~

Register of Wills for Baltimore City.

1859. No 21

State

vs.

John H. Ing

Executor

Rebecca Monteith

" "

Securities

George L. Brewer

William D. Miller

" "

Cita.

Summoned

George H Button

Sheriff

JH Ing is engaged in taking Testimony in the Contested Election Cases. He engaged from 9 to 6 o'clock. Will be in Court to answer on 16 Dec 59 or before, if possible. Served this day — JH Ing 12 Dec 1859

filed on the 16th day of December 1859.

The State of Maryland,

TO THE SHERIFF OF BALTIMORE CITY—GREETING:

YOU ARE HEREBY COMMANDED to cite and summon John H. Ing ~ Executor of Rebecca Monteith deceased; that laying all other matters aside, and notwithstanding any excuse,— be personally be, and appear before the **Orphans' Court for Baltimore City,**—to be held in the Court House in the City of Baltimore, on the 10th day of December inst ~~next~~:

To return to our said Court **An Account** *of his Administration of the Estate of the said deceased.*

WHEREOF he is not to fail at his peril.

AND HEREOF, FAIL NOT AT YOUR PERIL—and have you then and there this Writ.

Witness, J. Spear Smith ~ Esquire. Chief Judge of said Court.

Issued this 9th day of December 1859.

TEST,

Isaac O. Cook ~

Register of Wills for Baltimore City.

1860. No 22

State
vs
John H. Ing
Executor
Rebecca Monteith

Atta ~

attached

Geo H Dutton
Sheff

(1) filed on the 20th day of February 1860.

The State of Maryland,

To the Sheriff of Baltimore City,---Greeting:

WE COMMAND YOU, that you ATTACH the body of John H. Ing ~ Executor of Rebecca Monteith, deceased ~

If he shall be found in your bailiwick, and him safe keep, so that you have his body before the **ORPHANS' COURT FOR BALTIMORE CITY,** to be held in the Court House in the City of Baltimore, on the 20th day of February 1860 ~ ~~next~~, to answer unto us as well touching a certain contempt by him against us committed, as to shew cause if any he has why he will not render an account of his administration of said deceased's Estate.

Hereof fail not at your peril, and have you then and there this precept.

WITNESS, J. Spear Smith ~ Esquire, Chief Judge of our said Court.

ISSUED this 18th day of February 1860.

TEST, Isaac P. Cook *Register of Wills for Baltimore City.*

1

1862.

Petition of

Wesley Starr

Guardian of

Caroline L. Starr &

Philippa G. C. Lloyd

filed on the 1st day of January 1862.

The undersigned would respectfully ask permission of the Hon. Orphans Court for the City of Baltimore, to invest for Caroline L. Stan Orphan daughter of Robert G. Stan deceased, in Balto City 6 prct. Stock or Loan, the sum of $226.93/00 Also for Philippa G. C. Lloyd Orphan daughter of Wilson L. Lloyd deceased, in Balto City 6 prct. Stock or Loan, the sum of $286.33/00 The above amounts are Cash balances due said Orphan Children on settlement of their last Guardian account.

Wesley Stan
Guardian

—"—

1185
A 23

Elizabeth Coulson

vs

John H Eug Executor of
Rebecca Monteith

filed on the 21st day of March 1862.

A
80

State of Maryland City of Baltimore to Wit

At a Session of the Superior Court of Baltimore City in the Fifth Judicial Circuit of the State of Maryland begun and held at the Court House in and for the City aforesaid on the Second Monday in January in the year of our Lord one thousand Eight hundred and Sixty one,

Present The Honorable Robert N Martin Judge
Edward L Sparks Sheriff
George R Sangston Clerk

Among other were the following proceedings to wit

Elizabeth Coulson
vs
John H Ing Executor
of Rebecca Monteith

Be it remembered that heretofore to wit on the Twentieth day of March in the year of our Lord Eighteen hundred and Sixty two the said Elizabeth Coulson by John N Brewer Esquire her attorney declared in the Superior Court of Baltimore City against the said John H Ing Executor of the last will of Rebecca Monteith Deceased in the Plea and of the Tenor following to wit

Baltimore City to wit Mary Coulson by John N Brewer her attorney sues John H Ing Executor of the last will of Rebecca Monteith deceased for Work and labour and goods wares and Merchandize found furnished and supplied to the deceased in her life time by the Plaintiff and money found to be due the Plaintiff from the deceased on accounts stated between them and the Plaintiff claims $ 1024.

John N Brewer
Plaintiffs Attorney

At the foot of said Declaration was the following notice to wit

To the Defendant

Take Notice that you will be required to plead to the above declaration within fifteen days after your appearance to said Suit.

John N Brewer
Plaintiffs Attorney.

which said Declaration is thus endorsed to wit,

Mr. Sangston Docket this Case by Consent to the

January Term 1862, John H Brewer, Atty for Plaintiff
Charles Fallayer Atty for Defendant,

And thereupon come into Court here the parties aforesaid by their Attorneys aforesaid And it is ruled by the Court here on motion of the said Plaintiff by her Attorney aforesaid that the said Defendant plead to the declaration aforesaid within the ensuing fifteen days or Judgment by the Court here will be rendered against him in default thereof whereupon the parties aforesaid by their Attorneys aforesaid filed in Court here the following agreement to wit,

Mary Coulson
vs
John H Ing, Executor
of Rebecca Monteith

In the Superior Court of
Baltimore City
January Term 1862.

The name of the Plaintiff being stated as "Mary" in place of Elizabeth, by mistake it is agreed that said mistake be corrected by inserting "Elizabeth" in place of "Mary" in the Declaration and all proceedings in the Case,

John M Brewer
Attorney for Plaintiff
Charles F Mayer
Atty for Deft,

In Testimony that the foregoing is a full and true transcript taken from the Record of proceedings of the Superior Court of Baltimore City in the therein entitled Cause I hereto subscribe my name and affix the seal of said Court this 26th day of March A.D 1862.

George R Sangston Clk
Superior Ct Balto City

Mr Jno W. Randolph.
Treas. pr.
Balto.

Messrs Hinkley & Morris.

Gentlemen.

The condition of the Estate of Alex Montieth is as follows.

Balance undistributed $401.01¢

W. Elliott, has brought to my notice an unsettled claim against deceased, placed in his hands, for suit, of $520.

I was asked by him to investigate the merits of the claim. I have done so and think the claim an honest one; yet I have notified W. Elliot, he must prove the claim to the satisfaction of a Court and jury, I intending to plead the statute of Limitation, and

persist in such plea until all doubt as to the correctness of the claim shall be removed.

At the trial of the case I shall solicit the attendance of John W. Marr, by whose advice in withdrawing or persisting in the plea I shall be, in part, if not wholly governed.

Yours truly Jno. H. Mc

P.S. Sometime back entered into an agreement with Mr. Yellot to docket case.

Permit me then until all
doubt as to the correctness of the
claim shall be removed.

At the time of the case which
follows, the attorneys of some
Mr. Morris, by whose orders
in withdrawing or prosecuting
in the place which he, in fact,
of not wholly governed

Yours truly Jno. H. Ing

Mr. Armstrong took extract into an
agreement with Mr. Zeller to render
same.

Hafen Whitney & Morris.

Gentlemen.

The question of the Statute of Limitations is a perilous one.

Johnson vs. Underhill & Ind. 64.

Mr. Gillett, has brought to my notice an unsettled claim against deceased, placed within bounds, February, 1870.

Your request him to investigate the merits of the claim. Have done and find the claim an honest one.

You have notified Mr. Gillett, he must prove the claim at the ~~[illegible]~~ January term, & returning to plea the Statute of Limitations, you

Balto. Feby. 17th 1862.

Mr Jno. W. Randolph.
Trustee.
Dear Sir.

In reply to your communication on behalf of "the Managers of the Association for improving the Condition of the Poor", we beg leave to say that we have not received any funds from the personal Estate of Miss Monteith.

We enclose a communication from Jno H. Ing. Esq. showing the condition of the Estate, and the prospects of receiving funds from that source. He has been legally notified of an outstanding claim against the Estate, which he has resolved to contest by legal proceedings.

Very Respectfully
Hinkley & Morris.

1862

Rebecca Monteith's
Estate

Transcript

Petition filed on the 3d day of
March 1862

[illegible]

The State of Maryland.

At an Orphans' Court held for Baltimore City, in the Court House, in the City of Baltimore, on the twenty ninth day of March in the year of ~~in the year of~~ our Lord one thousand eight hundred and sixty two.

Were present J. Spear Smith, Joseph H. Audoun, Franklin Supplee } Judges.

Edward R. Sparks, Esq. Sheriff. Isaac P. Cook - Register.

Among other proceedings were the following -

The Baltimore Association for the Improvement of the Condition of the Poor. vs. John H. Ing Executor of Rebecca Monteith

Be it remembered, that heretofore, to wit:- On the third day of March, in the year of our Lord one thousand eight hundred and sixty two - The Baltimore Association for the Improvement of the condition of the Poor, by Edward Otis Hinkeley, Esquire its Attorney, came into the Orphans' Court for Baltimore City, and exhibited and filed in Court here, a certain paper writing, called a Petition, and which said paper writing or Petition, is in the words and figures following to wit:- (here insert it No 1) Whereupon the Orphans' Court for Baltimore City, passed a certain Order and decree in the premises, and which said Order and decree is in the words and figures following to wit. (here insert it. No 2) and upon which said Order of Court is thus endorsed - "Service of Copy admitted, March 3. 1862. Jno. H. Ing. Ex. R. Monteith -"

And on the fourteenth day of March in the year aforesaid, the said John H. Ing Executor of Rebecca Monteith, deceased, comes here into the Orphans Court for Baltimore City, by Charles F. Mayer Esquire, his Attorney, and exhibits and files in Court here his Answer to the Petition aforesaid, and which said Answer is in the words and figures following to wit. (here insert it No 3). Copy of Letter "A" referred to in said Answer." and which is in the words and figures - following to wit:- (here insert it No 4) - And on the same day and year last aforesaid, The Baltimore Association for the Improvement of the Condition of the Poor, by its Attorney aforesaid, exhibits and files in Court here, a certain paper writing, called a General Replication, and which said last mentioned paper writing is in the words and figures following to wit (here insert it. No 5) -

Whereupon further process of and upon the premises aforesaid, was continued until the twenty fifth day of March, Eighteen hundred and sixty two — And now on the said twenty fifth day of March in the year last aforesaid, come here again into the said Orphans Court, the parties aforesaid, by their Attorneys aforesaid And the said John H. Ing Executor as aforesaid, by his Attorney aforesaid, exhibits and files in Court here, a certain other paper writing, being an Amended Answer to the Petition aforesaid, and which said Amended Answer is in the words and figures following to wit. (here insert A. No 6) — And at the same time, the Baltimore Association for the Improvement of the Condition of the Poor, by its Attorney aforesaid, exhibits and files in Court here, a certain other paper writing, being a General Replication to said Amended Answer as aforesaid, and which said last mentioned paper writing, or General Replication as aforesaid, is in the words and figures following to wit (here insert A. No 7.)

~~Whereupon, further process of and upon the premises aforesaid, by consent of the said parties aforesaid, by their Attorneys aforesaid, and by consent of the Court here was continued until the twenty ninth day of March in the year Eighteen hundred and sixty two, — At which said day to wit, the twenty ninth day of March in the~~

~~And on the same day and year last aforesaid — the following Depositions on the part of Defendant in the case were taken and subscribed to — Deposition of Dr. Nathan R. Smith (here insert A No 8.) Deposition of Dr. Samuel T. Knight (here insert A. No 9)~~

And on the twenty sixth day of March, in the year last aforesaid — the following Depositions on the part of Defendant in this case were taken and subscribed to.

Deposition of John Thomas Morris, (here insert A No 10)

Deposition of Isaac P. Cook. (here insert A. No 11)

Whereupon further process of and upon the premises aforesaid, by the consent of the said parties by their Attorneys aforesaid, and by consent of the Court here is continued to the twenty ninth day of March in the year Eighteen hundred and sixty two — At which day to wit, the twenty ninth day of March in the year last aforesaid, Comes here again into the said Orphans Court, the parties aforesaid, by their Attorneys aforesaid — All and singular, the premises having been seen heard and fully understood by the said Orphans Court, and after mature deliberation being had thereupon, the said Orphans Court, passed a certain Order and Decree in the premises, and which said Order and Decree is in the words and figures following to wit, (here insert A No 12) A certified Copy of said Order of Court, was served on John H. Ing Executor of Rebecca Monteith, deceased, the same day.

And afterwards to wit: on the twenty second day of April in the year last aforesaid, the Baltimore Association for the Improvement of the condition of the Poor, by its Attorney aforesaid, exhibits and files in Court here, a certain other paper writing called a Petition, and which said paper writing or Petition aforesaid, is in the words and figures following to wit. (here insert it

Whereupon, on the twenty second day of April, in the year last aforesaid the Orphans' Court for Baltimore City, passed a certain other Order and Decree in the premises, and which said last mentioned Order and Decree is in the words and figures following to wit. (here insert it No 13.

A certified Copy of said Order of Court was served on the said John H. Ing Executor as aforesaid, as per Certificate herewith exhibited

Whereupon, further process of and upon the premises aforesaid, by consent of the said parties by their Attorney aforesaid, and by consent of the Court here is continued until the twenty eighth day of April in the year Eighteen hundred and sixty two. At which said day to wit, the twenty eighth day of April in the year last aforesaid comes here again into the said Orphans Court the parties aforesaid by their Attorneys aforesaid when the said John H. Ing Executor as aforesaid, by his Attorney aforesaid, exhibits and files in Court here a certain other paper writing being objections to the last mentioned Order of Court passed on the 22. day of April 1862. and which said last mentioned paper writing or objections as aforesaid, is in the words and figures following to wit. (here insert it No 14) And on the same day and year last aforesaid, the said John H. Ing Executor as aforesaid, by his Attorney aforesaid, prays an Appeal from the Order and Decree of the Court, passed on the 29. day of March 1862. to the Court of Appeals of the State of Maryland, and at the same time, files in Court here, a certain paper writing being a written prayer for said Appeal, and which said prayer for Appeal as aforesaid, is in the words and figures following to wit (here insert it No 15) And which Prayer for Appeal as aforesaid, is by the Orphans Court for Baltimore City, granted

The Baltimore Association for the Improvement of the Condition of the Poor, as the Complainants, in this case, through its Attorney aforesaid, offers in evidence the following to wit {Copy Rebecca Monteith's Will - here insert No 16 - {Copy Rebecca Rebecca Monteith's 1st Administration Account, here insert it No 17 - {Copy Rebecca Monteith's 2d Administration Account, here insert it No 18 -

(And with the following Docket Entries namely - (Docket No 19)

And on the eighteenth day of October in the year Eighteen hundred and fifty nine being the return day of the said Citation, the then Sheriff of Baltimore City, made return thereof, and endorsed thereon, "Summoned Thos. Creamer, Sheriff" {here insert No 20.} And on the thirtieth day of November in the year last aforesaid, being the return day of said Citation, the then Sheriff of Baltimore City, made return thereof and endorsed thereon, "Summoned Thos. Creamer, Sheriff" {here insert No 21} And on the ~~sixteenth~~ day of December in the year last aforesaid, being the return day of said Citation, the then Sheriff of Baltimore City, made return thereof and endorsed thereon, "Summoned Georg H. Dutton, Sheriff" {here insert Attachment No 22} And on the twentieth day of February in the year Eighteen hundred and Sixty - being the return day of said Attachment, the then Sheriff of Baltimore City, made return thereof and endorsed thereon - "Attached Geo. H. Dutton, Shff"

And the said John H. Ing, the Executor aforesaid, and Defendant in the cause by his Attorney aforesaid, offered in evidence the following Transcript from the Superior Court of Baltimore City - (here insert it No 23)

It is therefore ordered and decreed, by the said Orphans Court for Baltimore City, that the Record of the Proceedings aforesaid, in the case aforesaid, with all things relating to the premises aforesaid, be transmitted to the Court of Appeals of the State of Maryland, and the same is on this twenty sixth day of June in the year Eighteen hundred and Sixty two, transmitted accordingly -

In Testimony, that the aforegoing is a true Copy taken from the Record of the Proceedings of the Orphans Court for Baltimore City, had in the above mentioned case.

I hereunto subscribe my name and affix the Seal of the said Court this twenty sixth day of June in the year of our Lord One thousand eight hundred and Sixty two -

Test Isaac P. Cook Register of Wills for Baltimore City

Mr. Thomas Ogden
Office
Washington City
D.C.

1862

John S. Tough's
Estate

Letter from
L. M. Gorsuch

filed on the 22: day of March 1862

Frostburg Allegany Co. Md March 19.
To the Judges of the Orphans Court
In Baltimore City

This, as a large creditor of John S. Tough late of Baltimore, deceased, and on whose Estate Letters of Administration have been granted by your Court, to John Everett of Cumberland Md. I have to complain of the manner in which he is proceeding to discharge his functions or duties, and ask that your honorable body will set him right or protect creditors, when my statements shall prove to be correct what I have to complain of is this after the decease of Mr Tough the Tax collector for this County, which ~~was~~ took place I believe on the 4th Sept. gives notice to Wm Parker, his, Tough's, Agent at his Mines that if the Taxes were not paid with 30 days, he the Tax collector would proceed to sell ~~the~~ property there sufficient to pay the Taxes and costs. The Taxes were not paid and accordingly about the last of November

on the first of December he sells between 50 and 60 mine cars which originally cost $35.00 each, one horse, all the black smith tools and mines tools all for the sum of between $60.00/100 & $70.00/100 the amount of the Taxes, and the Administrator directed the Appraisers not to appraise this property nor was it done, now I consider the amount of property thus sacrificed to the great prejudice of creditors worth at least fifteen hundred dollars and my attorney advises me that it, the sale, there being no Administrator appointed at the time was illegal and is a wanton sacrifice of property to the prejudice of the creditors and I respectfully ask your honorable court if you cannot do something to correct this thing, and if you want any further information please address me

Very Respectfully

L. M. Gorsuch

Answer Dear March 22. 1862

1862 No 10

Rebecca Monteith,
Estate

Deposition of
John Thomas Morris

filed on the 25 March 1862

(7)

par 2.

Mr Ivy wrote a note to Mr Morris
it is the Exhibit filed

~~Hearsay~~ Mr. Morris communicated
Mr. Ivy

~~Spoke~~ of the claim of between $500
or $600 - said that he would
interpose the plea of limitations
if the Assoc. required it
but if a just claim ~~he~~ after consulta-
tion with Mr Smith & Knight he could
not resist it.
Mr Morris said he never would inter-
pose a plea of limitations to a
just claim - -

He suggested an amicable adjust-
ment -

~~Did~~ No effort made to sell pre-
vious to advertisement - that without
fixing
Mr. Hunt thought there was an unusual
delay -
They objected to the terms of sale
being ~~one two or three~~ on three years credit
at intervals of six months
as an unusual delay -

At the time prop'y was sold
Mr. Hunt bought it, -
and as soon as the sale was
ratified the ~~sale~~ deed was
~~t~~ made & the ~~clear~~ proceeds handed over
~~to~~ a release executed to Mr Ivy
Afterwards the case of Hume

Testimony of John T. Morris March 26/62

Mr. Hinkley was originally counsel for Association — but I represented in his absence in Europe —

Had several interviews with Mr Ing

Association ~~took~~ exception to the conduct of Mr Ing.

Mr ~~Ing~~ Morris was requested to make arrangements for sale of real estate.

Anna Boyle's claim was arbitrated

Real estate sold

& Anna Boyle paid

The claim of Colston Mr Ing mentioned & did not think it just

& that the services were rendered gratuitously

& Ing had told them that he would defend against & said that he would interpose the plea of limitations if suit was brought

The Vice President called on Mr. Hinkley to attend to this case —

Boyle was referred to arbitration
& the understanding was that the
Assoc^tn would indemnify Mr. Ivy if
he transfer all the property.
Mr Hunt authorized Mr Morris to
say that if Mr Ivy paid
funds of the individual members of
the estate — & the Assoc^tn would
indemnify ~~the Assoc^tn~~ him
Anne Boyle's claim was to be deducted
from the real estate. —

X ex

My recollection is that if he
would pass over all the property & the
Assoc^tn would indemnify against
all debts. Mr. Hunt authorized
me to say they would indemnify ~~at~~ against
all debts if all the property was passed over &
~~Anne Boyle's claim~~
the proceeds of the real were passed over
promptly they would assume the payment of Anne
~~Boyle's claim~~ ~~that~~ Boyle's
& pay it out of the proceeds of real estate claim
~~offer as to all~~
which was agreed to & the property
passed to the claimant & arbitrators & paid
by the Association
satisfied that if ~~Anne~~ Elizabeth's claim was
recognized there will be nothing for
the residuary legatee.

That my distinct understanding was
that if the real estate was passed
over the claim of Anne Boyle was to
be paid.
& if all the prop^ty was passed
over they would give him a bond
to indemnify against all debts.
the bond was a personal bond

1862

Petition

William Creamer

vs.

Henry Cornish,
a colored apprentice

filed on the 31. day of March 1862.

To the Hon the Judges of the Orphans Court of Baltimore City

The petitioner respectfully represents that on the Seventeenth day of May 1855 a certain Negro Boy named Henry Cornish was bound to him as an apprentice to serve him until the tenth day of March 1862 - and that the said Negro Boy did on several different times abscond - for which this honorable Court did on the 18th day of August 1859 - pass an order extending the time of service of said Henry Cornish for two years

Your petitioner further represents that since that time the said Negro Boy Henry Cornish has repeatedly absconded notwithstanding his being warned and admonished of the effect and consequences of his so absconding - both by Myself and other White Men - and that loss and expenses have resulted to the petitioner - Your petitioner respectfully request an extention of the time of service of said Negro Boy as a remuneration of said loss and expense amounting to about one hundred and twenty five dollars

March 31 - 1862

William Creamer

1862 No 2

Rebecca Monteith's
Estate

Order of Court

Passed and filed on the 29th
day of September 1862.
Same day recorded in
"Proceedings of Court" ~
Liber I.P.C. "No 34" Fol 43."
and Examined
per Isaac P. Cook
Register

In Baltimore City Orphans Court

In the matter of the Estate of Rebecca Monteith, deceased.

It is this 29th day of September 1862. Ordered by the Court, that the passage of the Account of the Executor of Rebecca Monteith, deceased. be, and the same is hereby suspended, until the Eighth day of October, next, ensuing.

J. Spear Smith.
Jos H. Audoun

1862

Exceptions of
John H. Ing
Executor of
Rebecca Monteith
to the Objections of the
Baltimore Association for the Improvement of the Condition of the Poor
to the passing of the 3d Admr Accounts about to be rendered on the Estate of Rebecca Monteith, deceased

filed on the 29. day of September 1862

(41)

1 Gill. p 386. McDaly
4 Gill 55.
p 303. McDaly

In the Matter of the Estate of
Rebecca Mattoth. deceased
//
In the Orphans Court for Balto City
//

His Executor demurs to the exceptions filed by the Baltimore Association for the Improvement of the Condition of the Poor. for the following reasons

1st For want of form in this that the said Exceptant objecting orally to the passage of the 5th adm. account — was by the Court on motion of the Executor required to state his objections in writing by way of exceptions, whereas he has impertinently attempted his object of purpose by a petition.

2d. Because a petition is not the form by the Court directed

3d. Because the party must confine himself to distinct objections or Exceptions containing distinct specifications and has no right to use the form of a petition with prayer for citation

4. Because of multifariousness in this that under the guise of exceptions a citation is asked for of a party not connected with the passage of the account, viz Mrs. Elizabeth Coulson.

Jno. H. Ing
Ex. R. Martineau

1862

Rebecca Monteith's

Estate

Order of Court

Passed and filed on the 8th day of October 1862. Same day recorded in "Proceedings of Court" Liber J.P.C. No. 34 Folio 50." and Examined

per Isaac P. Cook
Register

41.

In Baltimore City Orphans Court
October 8th 1862,

Proceedings having been instituted in the Circuit Court for Baltimore City, and an injunction having been issued by said Court, in the case of the "Baltimore Association for the improvement of the condition of the Poor", vs. John H. Ing, Executor of Rebecca Monteith deceased and Elizabeth Coulson: it is therefore ordered and decreed, that the order heretofore passed by this Court, on the 29th day of September 1862, in relation to the estate of the said Rebecca Monteith, be and the same is hereby suspended, until the said case, in the Circuit Court for Baltimore City, shall be heard and determined —

S. Spear Smith.
Jos H. Anderson

1863

Copy -

Decree of the
Circuit Court for Baltimore City
in the Case of

The Baltimore Association for the
Improvement of the condition of the Poor.
vs.
John H. Ing. Executor of
Rebecca Monteith and
Elizabeth Coulson.

filed on the 28. day of February
1863.

In the Circuit Court for Baltimore City

Baltimore Association for the Improvement of the Condition of the Poor.

vs

John H. Ing Executor of Rebecca Maulsch & Elizabeth Carlson.

This cause standing ready for hearing on the motion to dissolve the injunction, the solicitors for the parties were heard and the proceedings read & considered

It is thereupon ordered this 28th. day of February 1.872 that the injunction heretofore granted in this case be and the same is hereby dissolved.

Wm Geo Krebs

True Copy

Test. Thomas Adams
clk

1862

Rebecca Monteith's

Estate

Copy

Certificate of the Circuit Court for Baltimore City, in the case of Elizabeth Coulson vs. John H. Ing Executor of Rebecca Monteith, dec.

filed on the 8. day of October 1862

Balto. Asn. for the Impr. of the Condition of Poor &c

vs.

John H. Ing et al.

Copy &c.

Mr. Isaac P. Cook
Register of Wills
for Baltimore City,

File this Certificate in the case of Elizabeth Coulson vs. John H. Ing Executor of Rebecca Monteith — and lay it before the Orphans' Court for Baltimore City.

Edward Otis Hinkley
Atty for the
Baltimore Association
for the
Improvement of the
Condition of the Poor.

The Baltimore Association for the Improvement of the Condition of the Poor, vs. John H. Ing, Executor of Rebecca Monteith, and Elizabeth Coulson	In the Circuit Court for Baltimore City — September Term, 1862.

Bill of Complaint and for Injunction to restrain Defendants from proceeding further in the matter of the claim of Elizabeth Coulson, against the Estate of Rebecca Monteith, and on the Judgment of Elizabeth Coulson, in the Superior Court of Baltimore City, against John H. Ing, Executor of Rebecca Monteith.

"7th October 1862 Bill of Complaint & Exhibit No. 1 fd. Same day order of Ct. granting Injunction on filing Bond — Order fd."

In Testimony that the above is a true Copy of the Docket entries in the above entitled Case, I hereto set my hand as Clerk and affix the Seal of the Circuit Court for Baltimore City, this Seventh day of October, in the Year of our Lord one Eighteen Hundred & Sixty two

J. Thomas Adams, Clk.

1862. No. 1

Rebecca Monteith's

Estate

Order of Court.

Passed and filed on the 29th day of Septr 1862. Same day recorded in "Proceedings of Court" Liber I. P. C. No 34" folio 43. and Examined

Per Isaac P. Cook
Register

In Baltimore City Orphans' Court

Having read and considered the Petition of Elizabeth Coulson vs John H. Ing Executor of Rebecca Monteith deceased, and the answer thereto of the said John H. Ing, both filed the 26th inst;

It is this 29th day of September 1862, Ordered by the Court that the Register be, and he is hereby authorized to sell the Stock belonging to the Estate of Rebecca Monteith decd. for the purpose of liquidating the fees due in this Court, or any claim or claims, proved and passed, against said Estate, on the 8th day of October next ensuing, unless the legatee of said Estate take proceedings in some other tribunal, competent to arrest the execution of this Order.

J. Spear Smith.

Jos H. Audoun

1862

No 7

Petition

Petition of Eliza-beth Coulson, praying that money in Court to the credit of the Estate of Rebecca Monteith to be applied to the payment of her claim.

Elizabeth Coulson

vs

John H. Ing

Executor

Rebecca Monteith

filed on the 25. day of September 1862

Mr. Cook, Register of Wills,

Sir File this petition

John M. Brewer

Attyr for Petitioner

(41)

"To the Honorable the Judges of the Orphans Court for Baltimore City

"The petition of Elizabeth Coulson respectfully represents

"That she is a creditor and recovered against the estate of ~~Rl~~ Rebecca Monteith a judgment in the Superior Court for Baltimore City for the sum of $520 + costs with interest from the 10th of September 1862 as appears by copy filed herewith, marked (A)

"That she has received on account of said judgment from the Executor the sum $143

"That said Executor states in response to an application to pay the balance of the judgment, that the assets are locked up in Court, the same by the Court's direction having been deposited and invested, and are now in Court

"The petitioner prays the Court to direct the fund invested to be converted into money and so far as the same is applicable to be applied

to the liquidation of the claim aforesaid and to that end petitioner prays that ~~John~~ the executor John H. Ing may be cited to answer and as in duty &c &c

John M. Brewer
Attorney for Plaintiff

1862

No 2

Answer of
John H. Ing
Executor
Rebecca Montieth
to the Petition of
Elizabeth Coulson

Answer of
Jno H. Ing
Ex. R. Montieth
Legatee of Elizth Coulson

filed on the 26 day of September
1862

W. Cook, Reg Wills,
File this answer

Jno. H. Ing
Ex. R. Montieth
27 Sept 1862.

(417

The answer of John H. Ing Executor of Rebecca Mantech to the Petition against him filed by Elizabeth Coulson in the Orphans Court for Baltimore City.

This Respondent admits the allegations in said petition to be true.

This Respondent submits to such action in the premises as the Court may be pleased to direct

And as in duty &c.

Jno. H. Ing
Ex: R Mantech

1862 No 3

Objections of the "Baltimore Association for the Improvement of the Condition of the Poor" to the passing of the 3d Administration Account about to be rendered on the Estate of Rebecca Monteith, deceased

filed on the 25th day of September 1862

17

17

Filed

Baltimore Association for the Improvement of the Condition of the Poor —

vs.

John H. Gray Executor of Rebecca Monteith, deceased and Elizabeth Boulton

Filed on the 25th day of September 1862.

1862

To the Orphans' Court of Baltimore City:

The Petition of the Baltimore Association for the Improvement of the Condition of the Poor — respectfully represents:—

That John H. Ing, Executor of Rebecca Monteith has presented to this Court an Account to be passed on the Estate of said ~~estate~~ Monteith.

And this Petitioner excepts to the passing of said account as presented 1st because the Executor has not charged himself with interest in pursuance with the order of this Court in this ~~court~~ estate heretofore passed

2nd The payment of Fees to the Register being costs properly chargeable to said Executor himself in the proceedings against him in this Court ought not to be allowed to said Executor.

3rd The sum claimed ~~to~~ have been paid to Charles F. Mayer Esq for professional services rendered the estate ought not to be allowed to said Executor because the services of said counsel are not worth the sum claimed & they were rendered in this Court in defending the Executor in the matter of petition of this Petitioner, wherein the judgment of the Court was against him & where by the records of the Court the said Executor plainly appeared to have been negligent ~~to~~ and dilatory to say the least in the performance of ~~the~~ his duty.

4th The Cash charged as having been paid to Elizabeth Coulson on account of a judgment rendered ~~against~~ in her favor against said estate in the ~~Orphans~~ Superior Court ought not to be allowed — because the said case of Elizabeth Coulson was heard and tried before this Court upon full evidence & decided against her and moreover the action for the recovery thereof was brought long after the time limited in the law for the bringing of suits on disputed accounts against an estate — and the said ~~account~~ action was actually brought after the Petition of the Petitioner in this Estate, although docketed to ~~the~~ a term prior thereto and the said judgment was had against said Executor without any notice whatever to this Petitioner although the said Elizabeth Coulson had notice that said Poor Association had objected to the allowance of said claim & had defended the estate against it in this Court. —

And as to the Memorandum at the end of the account the Petitioner says that they are improper to be allowed to be recorded or received by this Court, — and especially because there have been no caveats filed as pretended. —

This Petitioner therefore prays that citation be issued for said John H. Ing Executor, and said Elizabeth Coulson

to answer this Petition under oath on or before some certain day to be fixed by order of this Court.

Edward Chas Hinkley
for Petitioner