

against said administratrix for his professional services thus rendered for the benefit of the Estate of said Joseph G Hays That the Real Estate of said Joseph G. having been sold, under a Decree in this court, passed in said case for the benefit of his creditors The personal Estate being insufficient to pay all the debts due by said Deceased and the proceeds of the sale being about to be distributed, under the Order of this Court your Petitioner filed his said Claim for the said case with Instructions to the auditor, to audit the same - That he might be paid out of said proceeds of sale, the same being a debt due by the Estate of said Deceased, as the services were rendered, for the benefit of the same and the said Estate was in fact benefited by said services to a considerable amount, by having secured a deduction by way of audit against the claims of the Complainants, in said Bill to a sum of between three & four hundred Dollars and thereby increasing the said fund to that amount for distribution amongst the other creditors - This claim of your Petitioner though filed with the Auditor of this Court to be audited by him - with the claims of the other creditors, was by the direction of the Council of some of the other creditors excluded from said Auditor's Report, and the whole fund distributed amongst the other creditors to the entire exclusion of the said claim of your Petitioner. Your Petitioner therefore objects to the report of the Auditor in said case because his said claim has been thus excluded and prays your Honor to pass an Order directing his said claim to be audited with the claims of the other creditors, of the Estate of said Joseph G Hays due? and so to be entitled to the same dividend out of said funds of said Trustee as the other creditors are and to order the same to be paid over to him accordingly, and your Petitioner prays for such other & further relief in the premises as the nature of his case and Justice & Equity may require

Frederick A. Schley

Whereupon the following Order was passed

William Anderson and

The Harpers Ferry Savings Institution  
 v  
 Maria Higgins & Harriet E Hays

} No 2383 Equity In the Circuit Court for  
 } Frederick County - This case is submitted  
 } to the Court, upon exceptions filed  
 } by the several characters, claiming  
 } the funds, in the hands of the Trustee

to the claim of George J Hays which has been allowed him in the Auditor's Report and upon the Petition of Frederick A. Schley Esquire Solicitor for the defendant Harriet E Hays administratrix of Joseph G Hays do? upon examination of the papers the Court find - That George J Hays has offered no legal proof to sustain his claim the exceptions must therefore be ruled good & his claim rejected The Papers show that Mrs Harriet E Hays was made a party to the Bill of Complaint, as administratrix of her deceased husband, and required to answer That F A Schley Esq was her Solicitor That he prepared & filed her answer, and attended to the Interest of the Estate on her behalf in the time of the Final Decree and that he was instrumental in saving the Estate a large amount of money The Court think the administratrix is entitled to be allowed for her costs and expenses of Council, in as much as she

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