

marked Exhibits 8 & 6. ~ Your Complainant further states that the said John Fogle of Henry in his life time made and Executed his last Will and Testament in due form of Law to pass real estate, and duly as hereinbefore stated on the Month of July in the year Eighteen hundred and sixty six with out revoking the same. ~ Your Complainant further charges that the said John Fogle of Henry, among other bequests therein contained, by his said will devised his real estate to his wife, Catharine Fogle, during her life time or widowhood, and authorized and directed his Executor therein named, Nicholas Fogle, after the death or marriage of his said wife, to sell the said Real Estate, and devised the proceeds to his children therein named, and in the manner there provided; all of which matters will more fully and at large appear, reference being made to a copy of said will herewith Exhibited, marked Exhibit No. 7. ~

Your Complainant further states that the said John Fogle of Henry in his lifetime was much indebted by Mortgage, Judgments, notes and accounts, which are still due, owing and unpaid, and that the personal estate of said John Fogle of Henry is wholly insufficient to pay his debts as will appear by certified Copies of the Inventories and of Claims of Creditors filed in the Orphan's Court for Frederick County, herewith Exhibited marked Exhibits Nos. 8 & 9. ~ Your Complainant further charges that the said Nicholas Fogle entered upon the duties of his Office as said Executor having first filed his duly approved Bond, as will fully appear by reference to a certified Copy of the letters of Exemplification herewith Exhibited Marked Exhibit No. 10. ~

Your Complainant further charges that a sale of the real estate of said John Fogle of Henry is necessary for the payment of his debts, the personal property being insufficient for that purpose. ~ Your Complainant further charges that the said John Fogle of Henry, left a Widow named Catharine Fogle him surviving, and the following children his heirs at Law and devisees, to wit: A son Frederick Fogle, married to Margaret Fogle, a son John Fogle, married, his wife named Eliza; a daughter Mary, now the wife of William Perry, a son Isaac Fogle, married, his wife named Barbara; a son William Fogle, married; his wife named Margaret, a daughter Eliza, now the wife of John Fogle; a daughter Ann Catharine, now the wife of Wesley Henry, a daughter Susan, now the wife of Jacob Eyles, all of whom are adults and reside in Frederick County State of Maryland. ~

^{Intend} In Consideration whereof, and to the end that the defendants herein after named may answer the several matters and things hereinbefore charged, and that the real estate of the said deceased, or so much thereof as may be necessary for the purpose may be sold for payment of the Claim of your Complainant, and of the other unsatisfied Creditors of the said John Fogle of Henry deceased, and that your Complainant may have all such other and further relief in the premises as the nature and Equity of his case may require. ~

May it please your Honor to grant to your Complainant writs of Subpoena against Nicholas Fogle. ~ Nicholas Fogle Executor of the last will of said John Fogle of Henry deceased, Catharine Fogle his Widow and Frederick Fogle and Margaret Fogle his wife - John Fogle and Eliza Fogle his wife, William Perry and Mary Perry his wife - Isaac Fogle and Barbara Fogle his wife, William Fogle and Margaret Fogle his wife - John Fogle and Eliza Fogle his wife, Ann Catharine Henry and Wesley Henry his husband, Jacob Eyles and Susan Eyles his wife, the children devisees, and legatees of said John Fogle of Henry of Frederick County State of Maryland; Commanding them to appear in this Court at some certain day to be therein named, to answer the premises, and abide by and perform such decree as may be passed thereon, and your Complainant will ever pray &c

Filed June 17th 1867 ~

Wm. Ross & Charles W. Ross
Solicitors for Complainants