

have the surplus of the purchase money derived from the sale of the said real estate of the said Alex. Maxwell, under the mortgage of the said Orderman after the payment of the amount secured thereby subjected to the payment of the amount ascertained to be due to them from the said Alex. Maxwell by the said Audit as aforesaid; and that they are entitled to be reimbursed out of said surplus of said purchase money for such costs and expenses as they may have incurred by reason of the default of the said Alex. Maxwell in the payment of the said claim of your Petitioners. In consideration of the premises, your Petitioners therefore pray your Honor to pass an order herein subrogating them to all the rights intended to be secured by said Mortgage of indemnity to the said Thomas A. Baker, and directing that their claim, as ascertained by said Audit, together with such costs expenses & counsel fees, as may have been incurred in the prosecution of the same, be paid out of any surplus of said purchase money remaining after the payment of the Mortgage claim of the said J. D. Orderman. And that your Petitioners may have such further and other relief as they may be entitled to, and as in duty bound your Petitioners will ever pray &c.

Judth. J. Nelson  
Sol for Petitioners.

Courts Ordered by the Court this 29th day of April 1878, that the Order above named Petitioners John Perrill, Thomas Perrill, William Perrill, Philip Perrill, Hozekiah Perrill, Rezen Perrill, Emily Hoonty, and Ann Anderson, Children of John Perrill dec'd., and the unknown Children of Mrs. Harnum; and Mrs. Sheftuagle, are entitled to the relief prayed, and that the Children of John Perrill dec'd, under the will of Thomas Perrill, be and they are hereby subrogated to all the rights of Thomas A. Baker, under the mortgage of indemnity, Executed & delivered to him by Alexander Maxwell, and set out in the above petition; and that the sum of money due to the said Children, under said will as the Children of the said John Perrill, dec'd and as ascertained by the Auditors Report referred to in said petition, be allowed with interest thereon from the 29th. September 1877, and that the same be audited to the said Children under said will out of any surplus of the purchase money reported in this cause, remaining after the payment of the Mortgage claim of Orderman J. D. Orderman, in any audit to be made in this cause, together with such costs, Expenses and reasonable counsel fees as may have been incurred by said Petitioners in the prosecution of their said claims against the said Alexander Maxwell.  
Filed April 29th, 1878. John A. Lynch  
Judge of the Civ. Court

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