No. 4242 Equity

In Matter of Report of Sales of Joshua J. Zimmerman and Dame I Shellman Trustees of Mary Ann Fraily	No. 4242 Equity In the Circuit Court for Frederick County in Equity

vs

To the Honorable the Judges of the Circuit Court for Frederick County in Equity.

The exceptions of Francis M. Fraley one of the heirs at Law & Administrator of Mary Ann Fraley to the Auditors Report filed in this Cause on the 22d day of March 1881.

This Exceptant excepts to the Audit in this Cause why the same should not be ratified & confirmed

1st.– That the same does not show the true and full amount of Trust funds which were received by said Trustees, but less than said true Amount.

2– That said Trustees should be charged with the full amount of the 2 & 3 payments on Real estate sold Edward F. Zimmerman and are not entitled to be allowed as in said Audit any alleged discount of the same.

3– That said discount is allowed said Trustees note in said Audit.

4– That the Auditor's fee as charged in said Audit is excessive and more than said Auditor is entitled by law to receive for his services in making out said Audit.

5– That the item Voucher No. 9 $350 ought not to be allowed Trustees because had no right as such to deal with themselves.

Exceptions to Audit

6– That Trustees had no right to pay claim No. 1 $1627.91 because the same is for part of purchase money of land which Joshua J. Zimmerman one of said Trustees has taken to himself individually or as Trustee and for which said land should be appropriated; & for other reasons which will be seen by reference to the papers in the Cause in Equity in yr Honorable Court, which are prayed to be considered in connection herewith.

7th– That said Trustees had no right to pay claims 6 & 7

8 – That Claim No. 10 is improperly allowed no reason being shown for same.

9– That Claim No 11 is erroneously charged in a note allowed against Mary Ann Fraily, whereas only ¼ of same should be allowed and charged.

10– That Claim No. 17 is improperly allowed, the same having been allowed in the Claims 6 & 7 and in claim 12.

11– That Claim No 22 is excessive and unjust

12– That Claim No. 29 ought not to be allowed, the is unjust and illegal.

14– And for numerous other errors imperfections & Omissions.

15– And because said Trustees have sold some of the articles of property to themselves at less than their true value.

16– And because the Trustees have received goods & moneys not accounted for in said Audit.

And your Exceptant prays that said Audit may be annulled and set aside

And as in duty bound &c

Wm P. Maulsby Jr
Sol. for Exceptant

Filed April 14th, 1881

☞ For balance of proceedings, see Eq. Rec. No. 4, Folio 360