

No. 5014 Equity

Joseph A Miller and wife }
 John A Hoops and wife et al }
 vs }
 Dr Jas W Miller and wife }

No. 5014 Equity
 In the Circuit Court for Frederick County
 Sitting as a Court of Equity

To the Honorable the Judges of the Circuit Court for Frederick County Sitting as a Court of Equity

The Petition of Henry A Hines respectfully represents unto your Honors that a certain John F D Miller of Frederick County being indebted unto your petitioner in the full and just sum of two hundred and thirty one dollars and twenty eight Cents on the 11th day of September A.D. 1878 executed a deed of assignment to your petitioner conveying to him all his right title and interest as a legatee or devisee under the will of his father John W Miller and as one of his heirs at law in his estate, with the further understanding that if there was anything left out of his portion of said estate after the payment of said indebtedness and the interest on the same from the date of said assignment the said balance should be paid over to the said John F D Miller by the petitioner, all of which will fully appear by reference to a certified copy of said deed of assignment as recorded among the Land Records of Frederick County hereunto filed marked Exhibit M. to this petition and which it is prayed may be taken and considered as a part hereof, as fully as if herein recited in words and figures.

Petition of Henry A Hines

2. That said indebtedness together with the interest yet remains due and unpaid. Your petitioner has one hundred & seventy dollars and seventy eight Cents paid about one year ago out of the personal estate of the said John W Miller
3. That according to the terms of the last will and testament of the said John W Miller, a certified copy of which is filed in the above entitled Cause as Exhibit No. 1. to the Bill of Complaint filed, the said John F D Miller has a much larger interest than is necessary to repay your petitioner what is due him,
4. Your petitioner further represents that on the 2^d day of October A.D. 1884 a Bill was filed in your Honorable Court in the above entitled Cause (in which it is prayed that this petition be filed) by and in behalf of Joseph A Miller and other legatees, devisees and heirs at law of the said John W Miller deceased asking that certain real estate of which the said John W Miller died seized and possessed situated in Frederick County Maryland be sold and the proceeds thereof might be divided among the parties mentioned in said last will and testament among whom is the said John F D Miller to which proceeding however your petitioner was not made a party
5. Your petitioner further represents that a decree was passed directing the sale of said real estate and that a sale has been made of the same amounting to the sum of \$ 6959⁵⁰ in all of which appears by reference to the proceedings in the above entitled Cause
6. Your petitioner further represents that by the terms of the above mentioned deed of assignment he is entitled to receive out of the share of the proceeds of sale of the real estate aforesaid, which the said John F D Miller will be entitled to as the legatee or devisee under the will of the said John W Miller or as his heir at law so much as may be necessary to liquidate and repay him the above mentioned indebtedness yet remaining unpaid him, and he therefore prays your Honors to pass an order directing the auditor in stating an account of the proceeds of said sale, to allow out of the said John F D Miller's share so much as may be necessary to pay said sum due to your petitioner and as in duty bound will ever pray

John C Moter Sol for Petitioner

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