

No 5043 Equity

and ninety eight cents payable six months after date with interest from date and due without paying the same

2- That said Mary A. Schleigh was also at the time of her death indebted to your petitioner Henry F. Ruprecht by her promissory note for twenty three dollars and ten cents dated Jan. 7<sup>th</sup> A.D. 1880 payable four months after date with interest from date as appears by said note filed herewith Marked Exhibit H.F.R.

3- That said Mary A. Schleigh died on or about the 7<sup>th</sup> day of January A.D. 1885 after having duly made and executed her last Will and Testament, wherein she appointed Your Petitioner Thos. E. Pope as Executor thereof as appears by a copy of said Will filed in the above case as Exhibit No 2-

4- That Your Petitioner Thos. E. Pope as such Executor entered upon the execution of his office as Executor of said Will after Letters Testamentary were duly issued to him by the Orphans Court for Frederick County and has fully settled the personal Estate of said Mary A. Schleigh deceased as appears by a copy of his first and final account in said Orphans Court filed herewith Marked Exhibit "A"

5- That said personal Estate was not more than sufficient to pay the funeral expenses costs of Administration and commissions and was not sufficient to pay the debts of said Mary A. Schleigh or any part of the same

Petition of  
Thos E. Pope  
Exr. of and  
By F. Ruprecht

6- That on the 10<sup>th</sup> day of August A.D. 1886 Your petitioner Thomas E. Pope as Executor as aforesaid paid to Lucretia S. Street the amount of her said Note which had been duly passed by the Orphans Court for Frederick County as will appear by said Note and the receipt of said Lucretia S. Street attached thereto filed herewith as Exhibit H.F.R. and he is advised and does so charge that he is entitled to be subrogated in the place and stead of said Lucretia S. Street as a condition of said Estate.

7- That said Mary A. Schleigh died seized and possessed of valuable Real Estate which has been sold by decree of Your Honorable Court in the above case and the proceeds of sale are awaiting distribution.

8- That Your Petitioner are advised and do so charge that the personal Estate of said Mary A. Schleigh being insolvent they are entitled to have so much of the proceeds of the sale of said Real Estate as may be necessary applied to the payment of their said Claims.

9- Wherefore Your Petitioners pray that they may be paid the amount of their said Claims out of the proceeds of sale of said Real Estate now in Your Honorable Court in the hands of Thos. E. Pope, trustee awaiting distribution in the above case -

2- That such notice be given to the heirs at law and devisees of said Mary A. Schleigh whose names appear in the proceedings in the above case of the object and substance of this petition as Your Honor shall deem right and are appertaining to be given them to show cause why this petition should not be granted.

3- That the Cause be referred to the Auditor to state an account allowing all past claims against the Estate of said Mary A. Schleigh dead after giving the usual notice to creditors to file their claims

4- That Your Petitioners may have all such other and further relief as the nature of this case may require and to Your Honor shall seem just  
Wilton G. Urner, Solicitor for Petitioners.

Auditors' Rls  
Pl. 1