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no children or descendants then to go to the descendants of John C. Hagan and Frank Hagan, one half to the descendants of each.

10. That by another clause in said Will he directs his Executors to sell the rest and residue of his Real Estate and the proceeds thereof together with the proceeds of his Personal Estate to go into the General Fund of his Estate and gives the rest and residue of his Estate after payment of his just debts, funeral Charges and Certain Legacies and devises, he bequeaths to his said sons John C., Frank and Eugene, share and share alike.

11- That in the Codicil to said Will he gives One Thousand Dollars to his grand-son William Hagan payable six years after the Testator's death and One Thousand Dollars to his daughters-in-law Elizabeth Smith to be held in trust by the said John C. Hagan during her life and at her death to go to the said William Hagan and makes the said bequests in said Codicil a charge and lien on the lands devised to John C. Hagan in said last Will and Testament.

12- That the said John C. Hagan is married to Kate Hagan, his wife, both of whom are adults and he has the following named children viz: (1) Marshall Kane Hagan an Adult (2) Clarence Lee Hagan (3) John Gifford Hagan (4) Eugene Hagan (5) Thomas Benton Hagan (6) Ralph Ritchie Hagan and (7) Clara Katy Hagan the last named six of whom are infants and that all of said parties reside in Frederick County, Maryland.

13- That said Frank Hagan is married Amanda Hagan his wife both of whom are adults and he has two children named Washington C. Hagan and Mollie M. Hagan both of whom are infants, and all of whom are residents of Washington County, Maryland.

14- That said Eugene Hagan is married to Rosa, his wife, and has one child named May Hagan an infant, her father and mother being Adults, and all of said parties reside in Baltimore City, Maryland.

15- That said Noah Bowlus, William Hagan and Elizabeth Smith are all Adults and residents of Frederick County, except William Hagan and Elizabeth Smith who resides in Baltimore City.

16. That the aforesaid last Will and Codicil of John Hagan, deceased, has been in due form admitted to probate by the Orphans Court of Frederick County and letters Testamentary thereon have been duly granted to said Noah Bowlus and John C. Hagan who in virtue thereof have possessed themselves of the personal estate left by the said Testator at the time of his death and that they have also sold all the rest and residue of their testators and real estate not specially devised; and as your orator is informed and so charge have applied a portion of the proceeds of such personal and such real Property to the discharge of other proper debts duely paid deceased and have remaining in their hands a portion of such proceeds, but that such funds so in their hands are wholly insufficient to pay Your Orator and the other just creditors of said decedent who are yet unpaid and your Orator files herewith an Exemplication of said Letters Testamentary marked Exhibit No. 2. and a Copy of the said Executors first and only account passed in said Orphans Court, Marked Exhibit No. 3.

17. That the personal estate of the said John Hagan together with the proceeds of sales of Real Estate which have come into the hands of his Executors, were sufficient to pay all the just creditors of said John Hagan deceased, or if sufficient have been misapplied by said Executors and not properly administered