

No. 6110 Equity

they have applied the proceeds thereof to the payment of the funeral expenses, Costs of administration and debts due by the decedent at the time of her death and to the pro rata payment of all of the cash legacies mentioned in said last will and testament, and the plaintiffs Pierre C. Dupan and John Maloy executors as appeared file herewith as part hereof, a certified Copy of the Inventory of the personal estate returned by them, as well as their said letters testamentary, is also certified Copies of their administration accounts passed before the orphans Court of Baltimore City which are respectively marked "Exhibit B" "Exhibit C" "Exhibit D" and "Exhibit E."

Fifth: And the said plaintiffs further show that the personal estate of said decedent is insufficient to pay in full the amount of the legacies bequeathed by said testatrix to the persons and bodies Corporate mentioned in said will, and that each of the legatees above named have been paid a pro-rata share of the amounts specifically bequeathed to them under said will. That there now remains due and owing to the said plaintiff Mary Catherine Betterman the sum of One Thousand & twenty eight⁰⁰/₁₀₀ dollars, and to the said plaintiff Madeline Betterman the sum of One Thousand & twenty eight⁰⁰/₁₀₀ dollars, and to the above named legatees receiving legacies of specific amounts, the difference between those amounts and the portions paid on account thereof, and the plaintiff refer to said will of said decedent and to the second administration account (Exhibits A & E.) passed by said executors which shows the amount of legacy bequeathed to each of said defendants, and the amount paid on account thereof.

Sixth: That the said Emily S. Harper was at the time of her death seized of the following real property, situate in the City of Baltimore and in Frederick County, in the State of Maryland, to-wit:

1. All that lot of ground in fee simple situate in Baltimore, in the State of Maryland, described as follows, to-wit: Beginning for the same on the line of the west side of Cathedral Street at the distance of One thousand and five feet northward from the corner formed by the intersection of the north side of Mulberry Street and the said west side of Cathedral Street and running thence northward bounding on the west side of Cathedral Street twenty five feet to an alley twenty feet wide then westerly parallel to Mulberry Street and bounding on the South side of said alley, one thousand feet, then northward parallel to Cathedral Street, thirty five feet and then easterly by a straight line to the place of beginning, with the use and privilege in common of an alley of the width of eight feet communicating with the twenty foot alley above mentioned and extending southward parallel with Cathedral Street on and along the west side of the western boundary line of the lot of ground above described being the same lot of ground described in a deed given John B. Howell and wife to Catherine Harper and the said Emily S. Harper, dated February 17th 1840, and recorded among the Land Records of said City of Baltimore in Liber S. H. No. 296 folio 153 & C; which said deed is herewith copied as part hereof marked "Exhibit F." subject to an agreement entered into between Julianna Dewitt and a Emily S. Harper dated November 25th 1864 and recorded among said Land Records in Liber A. M. No. 264 folio 320 & C; see also the will of Catherine Harper

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