No. 6655. Equity.

and Fairfax Schley Executors of this my last will, all of which will appear by certified Extracts of said will of Harriet H. Schley, hereunto exhibited marked Exhibit No 1, which said exhibit together with all other exhibits your Orator prays may be taken and considered as part of this his bill of Complaint.

2d That upon the death of the said Harriet Schley, the said Executors entered upon the discharge of their duties as such, and settled their final account, in which they distributed to themselves the sum of Four thousand dollars to be by them invested for the use of Alfred Schley, surviving husband, as appears by a certified of an extract of said distribution hereunto filed marked Exhibit No 2.

3d That part of said money thus invested by said Executors, acting as Trustees under the will aforesaid, was a promissory note of David L. Specht and others, dated November 10th 1881 payable three years after date to Harriet H. Schley or order for the sum of Two thousand, eight hundred dollars, with interest from date and which said note was secured by the Mortgage of the said David L. Specht and Mary A. Specht his wife, bearing date the 10th day of November in the year 1881, conveying unto the said Harriet H. Schley all that real estate, situated in Frederick County, State of Maryland, described a deed from Stephen A. Thomas to the said David L. Specht, dated on the 13th day of March in the year 1879, and recorded in Liber J. G. No 11. folio 184 &c, one of the Land Records of Frederick County, containing One hundred and Eighty acres of Land, all of which will appear by reference to said promissory note, and certified copies of said deed and mortgage hereunto exhibited marked Exhibits Nos. 3, 4, and 5.

4th And your Orator further Charges that your Orator and the said William P. Maulsby, entered upon the discharge of their duty as said trustees, and held the said mortgage debt and mortgage, but never made any legal assignment of said Mortgage debt and mortgage to themselves as such trustees.

That the said William P. Maulsby one of said trustees died, leaving your orator as the surviving trustee, who is now the owner and holder of the said mortgage debt debt and Mortgage.

That after the death of the said William P. Maulsby your Orator as surviving trustee filed his petition in the Orphans Court of Frederick County, stating that the said trust fund was made up in part of the mortgage debt of the said David L. Specht and wife, and also alleging the death of the said William P. Maulsby, co-executor and co-trustee, leaving your Orator as surviving trustee, and praying the said Orphans' Court to pass an order directing him as surviving executor to transfer said mortgage debt to himself as surviving trustee, and upon which petition the said Court passed an order in accordance with the prayer of said petition, as will appear by a certified Copy of said petition hereunto filed marked Exhibit No 6 but that your Orator has never made such transfer or assignment.

5th That the whole of said Mortgage debt is still due, owing and unpaid, with interest thereon from 10th day of