

Bill of Complaint.

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and which together with all other exhibits, your Court's prayers may be taken and considered as part of this Bill of Complaint.

3d. That Messias O. Baughen, departed this life many years ago, testate, and by his last will and testament, duly executed, under the laws of Maryland to pass real estate, and admitted to record, in the Office of the Register of Wills of Frederick County devised all his interest and estate in the aforementioned property to his father, Joseph Baughen, as will appear by reference to a certified copy of said last will and testament herewith filed as Exhibit No. 2.

4th. That the said Joseph Baughen, being seized in fee, as above stated of the aforementioned property, departed this life some years ago, testate, and by his last will and testament, duly executed under the laws of Maryland, to pass real estate, and admitted to record in the office of the Register of Wills of Frederick County, devised and bequeathed to his wife Julia J. Baughen, for life, said property, and after her death, he did give and devise the same to his grand son Harry P. Gallagher, as will fully appear by reference to a certified copy of said last will and testament, filed herewith as Exhibit No. 3.

4th. That the said Joseph Baughen, being seized in fee, as above stated, of the aforementioned property, departed this life some years ago, testate, and by his last will and testament, duly executed under the laws of Maryland to pass real estate, and admitted to record in the office of the Register of Wills of Frederick County, devised and bequeathed to his wife, Julia J. Baughen, for life, said property, and after death, he did give and devise the same to his grandson Harry P. Gallagher, as will fully appear by reference to a certified copy of said last will and testament, filed herewith as Exhibit No. 3.

5th. That the said Harry P. Gallagher, being indebted to a certain Ann P. Marshall in the sum of Four thousand, three hundred dollars, by his promissory note, bearing date on the 25th day of April, 1889, payable two years after date, executed his deed of mortgage on the real estate herein above described, to secure the same, which said mortgage was duly assigned by the executors of said Ann P. Marshall, to Arthur Polts and the said Harry P. Gallagher, being indebted unto Arthur Polts, in the sum of nine hundred dollars by his promissory note, bearing date on the 7th day of September in the year 1892, in conjunction with his wife, Gertrude B. Gallagher, on the same date, executed their second deed of mortgage to the said Arthur Polts, to secure the same, on the real estate above described, all of which will appear by certified copies of the two said mortgages herewith Exhibited marked Exhibits 4 and 5.

6th. That the said indebtedness embraced in the mortgages aforesaid is still due, owing and unpaid.

7th. And your Court's further charges that the said Harry P. Gallagher, died on the second day of January in the year 1893, and by his last will and testament, duly executed according to the laws of Maryland, to pass real estate, and which said will was duly admitted to record and probate by the orphans court of Baltimore City did give and devise as follows: - "All the rest and residue of my estate, real, personal and mixed, of every kind and description, I give, devise and bequeath to my wife, Gertrude Broderick Gallagher for and the period of her life, so long as she shall remain my widow, and in the event of the death of my said wife, or upon her marriage, I give, devise and bequeath all the residue of my estate, real, personal and mixed of every kind and description to any child or children, the issue of our marriage, then living, to be equally divided divided between them, share and share alike, but in the event of the death of my said wife, or upon her marriage, without leaving issue of our marriage living at that time, then I do