

## No. 6494 Equity.

Bill of Complaint.

herby give, devise and bequesth all of my said estate of every kind and description to my sister, Mrs. John O. Carr of Houston, Texas as will appear by a certified copy of said Will, herewith exhibited, marked Exhibit No. 6.

8th That after the probate of said will, letters testamentary upon the estate of said Harry P. Gallagher, were issued by the Orphans Court of Baltimore City, to William J. Oberly, Jr. and your Coatrix, Gertrude B. Gallagher as appears by certified copies of letters of ex-emplication herewith filed marked Exhibit No. 7.

9th That the real estate mentioned and described, constituted and formed the rest and residue of said testators estate, and passed according to the provision of said Testators will.

10th That the Executors of the said Harry P. Gallagher, duly entered upon the discharge of their duties as such executors, and fully administered said personal estate, and by the executors second and final account, overpaid the personal estate the sum of Twenty two hundred and fifty one dollars and eighty seven cents. Which said overpayment was wholly made out of the private funds of your Coatrix Gertrude B. Gallagher, who now charges that said estate is indebted to her in the amount of overpayment to-wit: the sum of Twenty two hundred and fifty one dollars and eighty seven cents, with interest from the date of the statement of said account to-wit: the 6th day of January, Eighteen hundred and ninety six, as appears from a certified copy of said second account herewith filed and marked Exhibit No. 8.

11th And your Coatrix charges that the personal estate of the said Harry P. Gallagher is wholly exhausted and insolvent, and that for the payment of the claim of your Coatrix, and of any other of the creditors of the said Harry P. Gallagher who may come in and contribute to the expense of these proceedings, it will be necessary that the real estate mentioned and described in these proceedings be sold for the payment of the same.

12th That Harry P. Gallagher died in the year Eighteen hundred and ninety three as aforesaid, leaving your Coatrix his widow, and an infant son, Harry P. Gallagher, his surviving, both of whom now reside in the City of Baltimore, State of Maryland, the said Harry P. Gallagher being an infant of tender years, that Mrs. John O. Carr, who has a contingent interest, depending upon the contingency mentioned in the paragraph of the will herewith set forth, is a non-resident of the State of Maryland, and with her husband resides in the City of Houston, State of Texas.

Your Coatrix prays for the following relief.

That the defendants hereinafter named may answer the matters and things stated in the aforesaid Bill of Complaint and,

First, that the real estate mentioned and described in these proceedings may be sold for the payment of your Coatrix's claim, and the claims of any all creditors of the said Harry P. Gallagher, who may come in and contribute to the expense of these proceedings.

And that after the payment of all claims and liens out of the proceeds of the sale of the said real estate, and all costs and expenses of these proceedings of sale, the residue of the proceeds of sale may be invested by some suitable person as trustee, to abide the contingencies contained in the will of Harry P. Gallagher deceased, and

Secondly, for such other and further relief as the nature and Equity of your Coatrix's case may require.

May it please your Honors to grant unto your Coatrix and order Publication giving notice unto the said Stella G. Carr and John O. Carr, her husband,