

## No. 6498 Equity

Publication,

The Object of this suit is to procure a decree for the sale of a certain farm, situated in Frederick County, State of Maryland, known as 'Richlands', of which Harry P. Gallagher, died seized and possessed, for the payment of the debts of said Harry P. Gallagher, his personal estate being insufficient.

The Bill states that Harry P. Gallagher died testate in the month of January, 1893, seized and possessed of valuable real estate, situated in Frederick County, State of Maryland, being part of tract of land called 'Richlands' and Additions Choice and containing Three hundred and fifty-two acres more or less, and is the same land devised to Harry P. Gallagher by Joseph Baughen, by his will and fully described in the Exhibits filed with said Bill.

That said Harry P. Gallagher was in his lifetime indebted to Arthur Potts by his several promissory notes in the sum aggregating Fifty-two hundred dollars, which are secured by mortgages on the said farm mentioned in said proceedings, and which are still due, owing and unpaid.

That the said Harry P. Gallagher, by his last Will and Testament, duly executed according to the laws of Maryland, devised all the real estate devised all the real and residue of his estate to his wife, George B. Gallagher, during her life or widowhood and after her death, to any child or children, the issue of their marriage, to be divided equally between them share and share alike, but in the event of the death of his said wife, or upon her marriage, without leaving issue, living at that time, then said testator gave and devised all of his estate to his sister, Mrs. John O. Carr of Houston, Texas.

That upon the death of said Harry P. Gallagher, said will was duly admitted to probate by the Orphans Court of Baltimore City, and letters testamentary issued thereon to Gertrude B. Gallagher and William J. O'Brien, the executors named in said will.

That the executors of said Harry P. Gallagher, entered upon the discharge of their duties and settled two accounts in the Orphans Court of Baltimore City, and that the said Gertrude B. Gallagher, out of her own funds, overpaid said estate the sum of Twenty-two thousand and fifty-one dollars and eighty seven cents which she charges, the estate of said decedent is now indebted to her and that the personal estate of said decedent is wholly insufficient for the payment of his debts.

That Harry P. Gallagher died in the month of January 1893, as aforesaid, leaving Gertrude B. Gallagher, his widow, and an infant son Harry P. Gallagher, his surviving both of whom reside in the city of Baltimore, That Mrs. Stella G. Carr, who has a contingent interest in said real estate under the provisions of said will, with her husband, John C. Carr, resides in the City of Houston, State of Texas.

It is thereupon this 18th day of January, 1896, adjudged and ordered that the complainant, by causing a copy of this order to be inserted in some news paper published at Frederick, Frederick County, State of Maryland, once in each of four successive weeks before the 24th day of February 1896, give notice to the said absent defendants of the object and subject, substance of this Bill, and warn them to appear in this Court in person or by solicitor on the 12th day of March next, to answer the premises and show cause if any they have, why a decree ought not to be passed as prayed.

John S. Jordan, Clerk.

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