

science to this respondent all the interest property and estate which she took under the will of Ann M. Englebrecht, Exhibit A., by an instrument under seal executed the 5th day of february 1898.

3rd. And further answering this respondent says--That said Mary Mergan at and about said 5th day of february 1898 became an inmate of the Home conducted by this respondent in Frederick City Maryland, that under the rules and regulations of said respondent to become such inmate the said Mary Mergan was required to transfer and assign or convey to respondent all property to which she she was in any manner entitled, in value to an amount not exceeding \$5000; that Mary Mergan was acquainted with said rules and regulations of respondent and accepted the same, and executed the assignment of all her property of every kind, so limited as to value, and so became a member and inmate of said respondents Home and remained such, for and in consideration of the execution of said assignment and transfer, up to her death.

4th. And this respondent further answering said petition says under the clause in exhibit a mentioned in the 4th paragraph of the petition filed in this Court upon the 20th day of september, 1911 the respondent as assignee of Mary Mergan is entitled and owns such proportion of the same as

the female children of said Ev Margaret Schley bore to said -1000. the female child of any such female child dying before the time for the distribution of said fund taking the place of the deceased parent, And further answering said petition this respondent says that it is advised and

as charges that under the residuary clauses of Exhibit A., this respondent is the assignee and entitled as such assignee to an immediate vested interest and estate in the residue of said estate of Ann M. Englebrecht in proportion to the number of female children of said Margaret Schley who were living at the death of said Ann M. Englebrecht; That this interest or estate vested in said Mary Mergan immediately upon the death of said Ann M. Englebrecht and passed under such transfer and assignment to this respondent.

And this respondent further answering says That by virtue of the provisions of Exhibit A., the residue was a fund held in trust by the petitioner in the petition filed sept. 20th 1911, in this Court and that the share which the said Mary Mergan would have taken in both the \$1000 and the residue should be distributed to the respondent as assignee.

And this respondent files herewith the application for admission to respondents Home and the assignment and transfer to this respondent made by said Mary Mergan marked exhibits N. M. 1 and N. M. 2, and prays that they may be taken and considered as parts hereof, and this respondent says that it was incorporated under an Act of the General Assembly of Maryland, Chapter 87 Acts of 1892, And having fully answered this respondent prays, &c., &c.

William P. Maulsby, Jr.
Attorney for Respondent.

DECREE.

In conformity with the Court's opinion heretofore filed in this case, it is adjudged, ordered and decreed by the Circuit Court for Frederick County, in equity, and by the authority thereof, this 21st day of february A. D. 1912, that Mrs. Mary M. Mergan upon the death of Eve Margaret Schley acquired a vested one-sixth interest in the legacy of One Thousand Dollars, mentioned in said opinion and in the proceedings herein, which interest passed to the Home for the Aged of Frederick City, under the agreement made by her with said Home, and that the portion of said \$1000 which said \$1000 which said Mrs. Mergan would have taken were she now living and said agreement had not been made by her, shall be distributed to the said Home in the audit in this case; and it is further adjudged, ordered and decreed that the said Mary M. Mergan did not acquire or have in her lifetime a vested interest in the residue of the estate of Mrs. Ann Maria Englebrecht mentioned in said opinion and proceedings, and that the only persons entitled to share in said residue are the female children of Eve Margaret Schley, now living, and the children of any deceased female children of said Eve Margaret Schley, per stirpes, and said residue shall be dis-