

this note is still due and owing to the Myersville Savings Bank. The amount I paid on January 20th, 1916, was \$95.94, as evidents by receipts herewith filed as Exhibit "Receipts".

There is also due some insurance premiums for the policy on this property to F.G. Thomas & Son for \$11.70 as evidence by Exhibit, F.G.T. filed herewith. To Gen. Int.-Ans. nothing further,

Lavinia E. Benjamin

Maggie T. McClelland a witness of lawful age, produced on the part of the petitioner in this cause, having first been duly sworn, deposes and says:-

My name is Maggie T. McClelland, I am 29 years of age and reside at 1634 Jackson St, Baltimore Maryland, I am the same person who personally testified in this case, I knew Roy E. Benjamin and rembered when he died. I stated that in my testimony previously given in this cause, He died intestate and he left no personal estate-property at all. all he has was the real estate mentioned in this cause in Brunswick. I know nothing about his indebtedness. To Gen. Int.-

Mrs. Maggie T. McClelland.

No other witnesses being named or produced before me and no futher time being required for the examination of the witnesses or the further taking of further testimony in said cause, I, then at the request of the solicitors for the petitioner closed the depositions so taken by me and now returned the same to your Honorable Court this thirteenth day of May, nineteen hundred and sixteen, at the City of Frederick, State of Maryland. Witness my hand and seal.

D. Princeton Buokey (SEAL)
EXAMINER.

Costs of Depositions.

D.P. Buokey, Examiners fee-----	\$4.00
Geo. W. Bittle Witness & Milage-----	2.05
Lavinia E. Benjamin Witness & Milage-----	6.85
Maggie T. McClelland Witness & Milage-----	6.85
-----	\$19.75

I hereby certify that the above costs are correct

D. Princeton Buokey
EXAMINER.

Filed May 13 1916.

No 9393 EQUITY.

Willia Townsend et al.

VS.

Lavinia E. Benjamin et al.

In the Circuit Court for
Frederick County, sitting
as a Court of Equity

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Opinion and Decree on the question raised by the Petition of the Myersville Savings Bank for the payment of the debts of Roy E. Benjamin, deceased, out of the proceeds of sale of his real estate.

After the sale of the real estate of Roy E. Benjamin on partition in the above entitled cause, a petition was filed by the Myersville Savings Bank, setting forth that the time of his death the said Roy E. Benjamin was indebted to the petitioner in several sums of money as set forth in said petition, in addition to said indebtedness by mortgage mentioned in the original bill of complaint filed herein on December 6, 1915, and also to other persons in various sums of money; and that said Roy E. Benjamin left no personal property out of which the said debts could be paid, and praying that the same should be paid out of the proceeds of sale of the real estate of said Roy E. Benjamin, deceased, now in the hands of the trustee in this case. The adult heirs at law of said decedent answers admitting the facts set forth in said petition, consenting to the payment of the debts of decedent as prayed, The only infant heir answered by guardian ad litem submitting his rights to the protection of the Court, and testimony was taken under leave of Court to prove the allegations of the petition to be true. I am of opinion that the testimony establishes an indebtedness of decedent to petitioners on two notes filed as Exhibits A and B as follows:- On Exhibit A the sum of \$100.00, with interest from September 3, 1915, and on Exhibit B the sum of \$35.00 with interest from November 20th, 1915. Also that said decedent left no personal estate out of which these debts can be paid. There were other