William Tabler of Lewis
vs
John A. Castle

Be it Remembered, That now here, on the first Monday in December being the second day of the said month, in the year of our Lord one thousand eight hundred and sixty one the Judge of the Third Judicial Circuit of Maryland, in pursuance of the directions of the Act of Assembly in such case made and provided, hereunto to the Court of Appeals here the Record of Proceedings of a plea which was lately depending before him in the Circuit Court for Frederick County between John A. Castle complainant and William Tabler of Lewis defendant and wherein the said Circuit Court passed a Decree in favor of the said John A. Castle against the said William Tabler of Lewis and from which said Decree the said William Tabler of Lewis appealed to the Court of Appeals here, the tenor of which said Record of Proceedings is in form following to wit:

State of Maryland, Frederick County, to wit:

At a Circuit Court of the Third Judicial Circuit of the State of Maryland, sitting as a Court of Equity, begun and held at the Court House in Frederick Town in and for said County, on the First Monday, and seventh day of January in the year of our Lord one thousand, eight hundred and sixty one.

Present. The Honorable Madison Nelson Circuit Judge
Michael H. Haller Esquire Sheriff &
Benjamin G. Fitzhugh Clerk

Among other were the following proceedings. to wit.

John A. Castle
vs
William Tabler of Lewis

No 2539 in Equity &c

Be it remembered, that heretofore, to wit; on the Thirtieth day of January, in the year of our Lord, one thousand eight hundred and sixty four; came the said John A. Castle in Court here, sitting as a Court of Equity, by his Solicitors William P. Maulsby and Frederick J. Nelson and filed in Court here the following Bill of Complaint, and Exhibits therein named to wit:

Bill of Complaint

To the Honorable Madison Nelson, Judge of the Circuit Court for Frederick County, sitting in Equity. Humbly complaining shewetth unto your Honor, your Orator John A. Castle of Frederick County, who sues as well for himself, as for all other creditors of Peter Tabler, late Frederick County, deceased, who will come and contribute to the expenses of this suit, that the said Peter Tabler late of Frederick County, deceased was in his life time indebted unto your Orator in the sum of eight Hundred and Forty three dollars, thirteen cents and interest thereon in virtue of his single bill bearing date on the 1st day of March 1843 which is herewith filed marked Exhibit No 1 and which with all other Exhibits herewith filed your Orator prays may be taken and considered as part of this Bill of Complaint, and also to other persons in

other sums of money. And your Orator further charges that the said Peter Tabler in his lifetime was seized and possessed of a considerable real estate consisting of the one undivided half of a Tract of Land lying in Frederick County, containing one Hundred eighty two and a quarter acres and also two lots of ground situate in Hyattstown in Montgomery County, and being so seized and possessed died on the sixteenth day of March the year eighteen hundred and fifty make and execute his last will and Testament in writing, and thereby devised all his estate real and personal after the payment of his debts to William Tabler of Lewis of Frederick County as will appear from a copy of said last will and Testament thereunto filed marked Exhibit No 2. and thereby constituted the said William Tabler of Lewis executor of his said last Will and Testament, and that afterwards to wit on about the tenth day of April in the year eighteen hundred and fifty two, the said Peter Tabler departed this life at Montgomery County, leaving said last Will and Testament unrevoked and unrevoked and that afterwards to wit; on the twenty seventh day of April, eighteen hundred and fifty two, the said last will and testament was duly admitted to probate in the Orphans Court of Frederick County and letters Testamentary thereon, were in due form of Law granted to the said William Tabler of Lewis, the executor named in said Will named. and that the said William Tabler of Lewis possessed himself of the personal estate of the said Testator left at the time of his death, which said personal estate was very inconsiderable and as your orator charges wholly insufficient to pay the debts due by the said Peter Tabler at the time of his death; and your Orator is informed and changes that the said William Tabler of Lewis has applied the whole of said personal estate to the payment of other debts due by said Testator – And your Orator further shews that he is advised that for as much as the said personal estate left by the said Peter Tabler at the time of his death is insufficient for the payment of the debts of the said Peter Tabler, your Orator and the other creditors yet remaining unsatisfied are entitled to have their claims paid out of the real estate of the said Testator in the hands of his said devisee, the said William Tabler of Lewis – To the end therefore that said William Tabler of Lewis may answer the several matters and things herein before charged as fully and particularly as if the same were herein again repeated and be thereunto particularly interrogated and that the real estate of the said Testator or so much thereof as may be necessary for the purpose of the payment of the claim of your Orator and of the claims of the other unsatisfied creditors of the said Testator may be sold, and that your orator may have such further and other relief as in Equity he may be entitled to, May it please your Honor to grant to your Orator a writ of Subpoena to be directed to the said William Tabler of Lewis commanding him on a certain day