No. 5041 Equity.

To the Honorable the Judges of said Court.

The petition of Andrew J. Wilson respectfully shows

1. That on the 20th day of February in the year Eighteen Hundred and Seventy Nine your petitioner was appointed by the Orphans Court of Frederick County, administrator de bonis non cum testamento annexo of the last will and testament of Jacob Rice deceased, and as such administrator gave bond to the State of Maryland in the usual form, which bond was duly approved by said Court - all of which will appear by reference to a copy of said letters and the Certificate of the Register of Wills of said Frederick County herewith filed marked Exhibit A, which is prayed to be taken as a part hereof as fully as if herein at large in words and figures set forth.

2. That on or about the Eleventh day of November in the year Eighteen Hundred and Eighty-four the above named Lewis H. Reese filed his Petition in said Orphans Court praying for a revocation of said letters so as aforesaid granted to this petitioner and praying for the the grant of letters cum testamento annexo de bonis non to himself in the place and stead of this petitioner

3. To said Petition of said Lewis H. Reese, this Petitioner filed an answer and upon proof being taken by said Orphans Court an order was passed revoking the letters of this petitioner and directing letters to issue to said Lewis H. Reese as prayed for in his said Petition as will appear by reference to the Record of the proceedings in his behalf now still remaining in said Orphans Court and to which for greater certainty this petitioner prays leave hereafter to refer as though fully set forth herein.

4. That thereupon this petitioner filed his appeal from said ruling of said Orphans Court to the Court of Appeals of Maryland and the record was therefore transmitted to the Court of Appeals of Maryland, and the said appeal is now there still pending undisposed of and unargued.

5. That the petition in this case filed by the petitioners wholly ignore all these facts.

6. That by virtue of said appeal the said order of the Orphans Court revoking this Petitioners Letters is stayed and suspended and that your petitioner is still in the Law administrator d. n. cum testamento annexo

7. That his said appointment in law continues and remains in force until said Order of the Orphans Court shall be affirmed by the Court of Appeals, and that until affirmance, your petitioner is vested with the right originally confirmed by his said appointment.

8 That this Court was misled and imposed upon in making an appointment of said Lewis H. Reese as Trustee by the Total omission from said petition of all mention of reference to said proceedings herein set forth

9. That to allow and suffer said Lewis H. Reese to proceed under said decree passed in this cause when Jurisdiction of the subject matter has been assumed by another Court of competent Jurisdiction before final adjudication by the Court of Appeals would by a collateral proceeding utterly oust the jurisdiction of both the Orphans Court in