

Court of Frederick County sold the personal estate of said Joshua Pearce, and that after payment of all debts and expenses there remained in the hands of said Executors the sum of one thousand fifty four dollars and twenty three cents the proceeds of the personal estate of the said Joshua Pearce, which sum has been invested by the order of the Orphans Court and the interest applied to the support and education of the children of said Joshua Pearce, the said sum being the net sum after payment of debts, expenses and the thirds claimed and received by said Deborah Pearce as her legal portion of her said husband's personal estate. Your complainant further states that Thomas Otho Pearce and Rachel Baker Pearce have severally received the provision bequeathed to them by the will of the said testator and that said Rachel has since intermarried with a certain John Mills of Frederick County and that both are now of full age.

Your Complainant further states that she attained the age of eighteen years on or about the twenty sixth day of December 1851.

Your Complainant further states that the period by her said father Joshua Pearce in his will having arrived the Orphans Court of Frederick County, caused the real estate to be appraised and returned to the office of Register of Wills for said County, and caused a distribution of the appraised value of such real estate and of the personal estate of said Joshua Pearce to be made on the fifth day of March in the year 1852, and that upon such distribution your complainant and each of her sisters were found to be entitled, each to the sum of fourteen hundred and sixty four dollars and ninety one cent all which matters will more fully and at large appear reference being made to a certified copy of such appraisement and distribution hereunto marked Exhibit No 2.

Your Complainant further states that Lucretia Clay Pearce died during her infancy after the death of her father unmarried and that letters of administration upon her personal estate have been granted by the Orphans Court of Frederick County to Deborah Pearce. Your Complainant further states that Charles Morgan Pearce, Francisina Virginia, and Laura Sophronia Pearce are all infants of tender years and that Charles Morgan Pearce being an infant cannot elect to take or refuse the said devise and bequest so made to him by his father Joshua Pearce by his last will, without the consent and concurrence of this Honorable Court.

Your Complainant further states that under the provisions of the will of the said Joshua Pearce, she is now entitled to the payment of her distributive portion or legacy bequeathed to her by the will of her said testator and that she has been advised that such legacy or distributive portion is a charge on the lands and personal estate devised and bequeathed by said testator to Charles Morgan Pearce and Deborah Pearce, and that Deborah Pearce having renounced the said will, that such legacy or distributive portion is a charge upon the said lands and personal estate, devised to said Charles Morgan Pearce, and upon that undivided portion of said lands and tenements and personal property which vested either in Charles Morgan Pearce or in the heirs of said testator by the renouncing of the said Deborah Pearce.

Your Complainant further states that in the event of your Honorable Court considering it more advantageous for the said infant Charles Morgan Pearce, that the Court on behalf of said infant should decline to take the said land and personal estate charged with the legacies or distributive portions bequeathed and devised to your complainant and the other daughters of said testator, then in that case your complainant charges that the interest and advantages of all parties interested in the estate, requires that the same should be sold under a decree of your Honorable Court and the proceeds thereof distributed among the parties entitled to the same. In tender consideration whereof and inasmuch as your complainant is remediless in the premises by the strict rules of Common Law and only redressible in a Court of Equity where matters of such