

nature are properly cognizable and to the end that your Honorable Court as a Court of Equity, may determine under the facts and circumstances of this cause, whether the said infant Charles Morgan Pearce should take the said lands premises and personal estate at the valuation made under the provisions of the will of the said testator charged with the legacies or portions, directed by said will to be paid by the said Charles Morgan Pearce and that in the event of such election to take said lands and personal estate, that your Honor would pass a decree for the payment of the portion or legacy of your Complainant, by a sale of the said land and personal estate, or in the event that it should appear to your Honor more beneficial to the said infant Charles Morgan Pearce that the Court on his behalf should decline to take said lands and personal estate charged with the portions and legacies charged thereon, that your Honor would pass a decree for the sale of the real estate, and distribute the proceeds of sale thereof and of the personal estate among the parties entitled according to the provisions of the will of said testator, and to the end that the executors of Joshua Pearce should bring into your Honorable Court the personal estate of said testator to be distributed under the orders of this Court, and to the further end that your Complainant may have all such other and further relief in the premises as may be consistent with Equity and the nature of his case. May it please your Honor to grant to your Complainant writs of subpoena, in the usual form directed to the Sheriff of Frederick County commanding him to summon Deborah Pearce and James Pearce Executors of Joshua Pearce, Deborah Pearce in her own right as widow and devisee and legatee of Joshua Pearce and also as administratrix of the personal estate of Secretan Clay Pearce Thomas Otho Pearce, John Mills and Rachel Baker Mills, his wife, Charles Morgan Pearce, Francisca Virginia Pearce and Laura Sophronia Pearce (all of whom reside in Frederick County) to be and appear in this Court by a certain day, and the adults upon their several corporal oaths, and the infants by guardian to be appointed according to law, and on the oath of said guardian answer the several matters and things charged in this bill and then and there abide by the decree of the Court therein and your Complainant will ever pray to
 M^{rs} J. Rupp Solicitor for Complt & M^{rs} W. Ross.

Exhibit
 No 1

In the name of God, Amen, I Joshua Pearce of Frederick County in the State of Maryland being sick and weak in body but of sound and disposing mind, memory and understanding, considering the certainty of death and the uncertainty of the time thereof, and being desirous to settle my worldly affairs and thereby to be the better prepared to leave this world when it shall please God to call me hence, do therefore make and publish this my last will and testament in manner and form following that is to say.

First and principally, I commit my soul into the hands of Almighty God, and my body to the earth to be decently buried at the discretion of my executors hereinafter named and after my debts and funeral charges are paid I devise and bequeath as follows

I give and bequeath unto the Synagogue Society of the Methodist Episcopal Church the sum of one hundred dollars to be paid as my individual quarterly in annual sums of ten dollars each year commencing upon the first day of January one thousand eight hundred and forty five, until all be paid

It is my will and desire, and I do hereby will and direct that my dear beloved wife and family shall remain upon my farm, and that my entire estate shall be enjoyed and divided amongst them as hereinafter directed

I will, order and direct that the operations of my farm, the support and education of my children shall go on under the directions of my executors as in my life time, and that my executors shall have full power to sell any stock or other personal property if they think there is a redundancy upon the farm which together with the