

Petition to the Honorable Mr. Nelson Judge of the Circuit Court for Frederick's County as a Court of Equity.

The petition of James C. Gendaman shows that by a decree passed in this case on the 11th day of June A.D. 1840, your petitioner was appointed Trustee in the stead of Christian Kimpf deceased to execute that part of the trust made by the said late wife of Barbara Borch for the benefit of the parties in this case and that in accordance with said decree your petitioner accepted said trust and bonded for the faithful performance of the same on the 23rd day of said month of June in the sum of eight hundred dollars as will appear by reference to said decree & said bond filed among the papers in this case, that your petitioner as Trustee aforesaid on account of said trust received the sum of five hundred and seven dollars & seventy five cents and that said sum of money has been upon interest since the said 23rd day of June A. D. 1840, and that your petitioner has from time to time paid the whole of the interest of said sum of money as it became due to the said David Borch in his life time for the benefit of himself and his minor children according to the trusts in said will and the conditions of said decree as will appear by the account of said Trustee herewith filed as a part of this petition and marked Exhibit D. C. Your petitioner further shows that said David Borch departed this life some time in the year A. D. 1831 leaving the following named children to wit, David A. Borch, John C. Borch and Mary Borch, the wife of William Borch, all of whom are adults and live in Frederick's County, that the whole amount of funds now in your petitioner's hands is the said sum of four hundred and seven dollars and seventy five cents and the whole of the interest has been paid out as aforesaid that said John C. Borch is an idiot & wholly incapable of taking care of himself or of managing his property, that the said Barbara A. Borch named in the will in this case as one of the children of the said David Borch died before the said David Borch unmarried and without children and your petitioner is informed that the said David A. Borch, John C. Borch & Mary Borch, the surviving children of the said David Borch deceased are entitled to said trust fund in equal proportions under the trust clause in said will and the provisions of said decree. And your petitioner therefore prays you honor to pass an order directing the papers in this case to be referred to the Auditor and ordering him to state an account & pass the costs and necessary expenses to divide the balance of the trust funds in this case among those entitled under the provisions of said last will and your petitioner will ever pray &c.

John A. Lynch
Solicitor for Petitioner.

State of Maryland Frederick's County to Wit