


and in that event he power as Executor shall cease with his Moniays, and my son George shall at once be entitled to bond as Executor, as though he had died and proceed to execute my Will.

Wrote. I revoke all Wills heretofore made and confirm this as Testament and last Will. Witness my hand and seal this 13th day of June 1839.

Peter Phibus 
Signed sealed published and declared by Peter Phibus the Testator therein named as and for his Testament and last Will in our presence who at his request in his presence and in the presence of each other have subscribed our names as witnesses thereto
Godfrey Koomtz, John Borden Johan Boehle

State of Maryland Frederick County, Feb;
I hereby certify that the foregoing is a true copy of the Original as filed & recorded in the Office of the Register of Wills for Frederick County.

In testimony whereof I hereunto set my hand and affix the seal of the Office of the Register of Wills this 28th day of February 1872



Filed Feb 28th 1872, (5th Stamp)

S. G. Cochran
Register

Subpoena.

Maryland, Feb;
The State of Maryland To James Phibus John Birch, Anna Birch, his wife Elizabeth Phibus, Benj. F. Phibus, Frank Birch and Anna Mary Birch of Frederick County, Gaoting: You are hereby commanded that all excuses set apart you personally appear before the Judges of the Circuit Court for Frederick County sitting as a Court of Equity to be held at the Court House in Frederick Town on and for said County on the second Monday of May next to answer the Bill of Complaint of John M. Phibus and wife and others against you in said Court Exhibited and so forth. If you fail you not, as you will answer the contrary at your peril.

Witness the Honorable Richard J. Davis Chief Judge of our said Court the 19th day of February 1872,

Spued the 28th day of February 1872,
To the Sheriff of Frederick County.

Charles Aubrey, Clerk.



All the parties summoned (N. Leave Suff).
Filed, March 11th 1872.

John M. Phibus & Elizth Phibus his wife,
and others (vs), James Phibus & Elizth
his wife and others,

No. 3759, Equity.
In the Circuit Court for Frederick County,
in Equity.

The object of this suit is to procure a decree for the appointment of a trustee in the place of George

Phibus Executor for the sale of the Real Estate whereof Peter Phibus died seized and possessed. The said Geo Phibus having died and the Trust remaining unexecuted.

The Bill states that Peter Phibus died in the summer of the year 1839, seized & possessed of valuable real Estate situate in Frederick County, and set forth and described in the bill of Complaint; that by his last will and testament he devised his property, both Real and Personal to his wife Elizabeth during her life and after her death appointed