without the assistance of your Honorable Court. To the end therefore that the Defendants hereinafter named may answer the premises and that a decree may be framed for the sale of the aforesaid Real Estate and that the same may be sold under the direction of this Court and the proceeds thereof distributed amongst the parties entitled in proportion to their respective interests and that your Complainants may have such other and further relief as the nature and Equity of their case may require, May it please your Honors to grant unto your Complainants the writ of subpoena against the said Edward J. McNully and Margaret E. McNully his wife, Patrick McNully, William Knott and Catharine Knott his wife Dennis McNully and Lawrence McNully his wife Mary McNully (who is or was the wife of Cornelius McNully) Edward McNully, Mary McNully, John McNully (children of Cornelius McNully) and John L. Roddy all of Frederick County commanding them and each of them to appear in this Court on some certain day to be therein named to answer the premises and abide by and perform such decree as may be passed therein, and as in duty bound your Complainants will ever pray &c.

C. N. S. Levy
Solicitor for Complainants

Filed June 9th 1871.

Exhibit No. 2 [2 cts R Stamp 5¢] In the name of God Amen I Cornelius McNully of Frederick County in the State of Maryland being advanced in age 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 be prepared to leave this world when it shall please God to call me hence do thereby 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 God and my body to the earth to be decently buried at the direction of my Executor hereinafter named and after my debts and funeral expenses are paid I devise and bequeath as follows:

Imprimis: I will and bequeath to my brother Edward McNully One thousand dollars.

Item: I will and bequeath to my brother Terence McNully One thousand dollars.

Item: I will and bequeath to the heirs of my Brother James McNully One thousand dollars.

Item: I will and bequeath to my sister Mary (intermarried with Mr O'Brien) One thousand dollars and if she is not living and has left heirs the One thousand dollars to be divided equally among them.

Item: I will and bequeath to my brother Philip McNully One thousand dollars.

Item: I will and bequeath to my Brother Hugh McNully One thousand dollars.

Item: I will and bequeath to my Brother John McNully One thousand dollars.

Item: I will and bequeath to Mount St Marys College situated in Frederick County Maryland Twenty Six hundred dollars.

Item: I will and bequeath to my nephew James McNully (son of Jas McNully) Five hundred dollars.

Item: I will and bequeath to Adam Flack of Ohio two hundred dollars, and should he not be alive the said two hundred dollars to be equally divided among his heirs.

Item: I will and bequeath Five hundred dollars to be appropriated to the service of the poor, The said five hundred dollars to be placed out on interest and the interest thereof to be divided and distributed as my hereafter named Executor should think expedient.

Item: I will and bequeath Fifty dollars to be appropriated for saying Masses for the dead.

Item I will and bequeath Twenty Five dollars to John O'Neilly (grandson of John O'Neilly deceased).

Item: I will and bequeath to Mary Ann wife of Dennis McNully the property I now reside on including Forty six acres more or less and all the appurtenances belonging to said Farm and after the death of the aforesaid Mary Ann McNully (wife of Dennis McNully) the aforesaid landed property with its appurtenances to be held by her children.