

been shown although the Order *non* has been duly published in the *Frederick Citizen*, the trustee is ordered to pay out the proceeds as Audited

Filed June 5-1876

John A. Lynch
Judge of the Circuit Court.

Bill

No 4085 Equity.

To the Honorable the Judges of the Circuit Court for Frederick County, sitting as a Court of Equity.

The bill of complaint of Horatio Waters and Olivia Waters his wife of Frederick County, respectfully shows unto your Honors that Horatio Waters late of Frederick County died sometime in the year 1867 after having duly made and executed his last Will and Testament, whereby he devised all his property Real and Personal to his wife Margaret Waters for and during her natural life and after her death then to be equally divided between his two children Cyrus Waters and your Complainant Horatio Waters with direction that if either should die his share should go to his children all of which will fully appear by reference to a copy of said Will filed herewith marked Exhibit No. 1 and which with all other Exhibits herewith filed is prayed to be taken as part of this bill as fully as if here inserted in words and figures that said Will was duly admitted to probate by the Orphan Court of Frederick County that said Margaret Waters widow of said testator has since died as also has said Cyrus Waters leaving a widow Emily Waters and the following children surviving him viz: Horatio Waters, Stephen Gambrell Waters and Emily Jane Waters, that said Emily Waters and her said children all live in Baltimore City, and all of said children are infants, that said Horatio Waters did seized and possessed of a Lot of ground with improvements thereon situated on the East side of South Market Street in Frederick City Maryland, and being the same property conveyed to said Horatio Waters by John McPherson by deed dated the 20th day of May 1822 a certified copy of which is filed herewith marked Exhibit No. 2, that said Real Estate now belongs under said Will to your Complainant Horatio Waters and said children of Cyrus Waters dead, that the same will not admit of division among the owners without injury and loss and it will be to the interest and advantage of all said parties in interest infants as well as Adults for said Real Estate to be sold and the proceeds distributed among them. In tender consideration whereof and for that your Complainants are remediless in the premises by the strict rules of the common Law and relievable only in a Court of Equity where matters and things of this nature are properly cognizable, to the end therefore that said Emily Waters Horatio Waters, Stephen Gambrell Waters and Emily Jane Waters, may answer the premises fully and particularly and that said Real Estate may be sold by a trustee to be appointed for that purpose and the proceeds distributed among the parties entitled thereto and that your Complainants may have such other and further relief in the premises as the nature of