

and testament of her said husband David Justice. That the real estate of which the said David Justice died seized and possessed, is the same heretofore conveyed to the said David Justice from Andrew Lugenbul, by deed bearing date Oct. 17th. 1829, and recorded in Liber J. B. No. 33. folio 68, one of the Land Records of Frederick County, a copy of which is herewith filed (marked Exhibit No. 2). That some time in the month of February, A. D. 1878, the said Margaret Justice, wife of the said David Justice, departed this life, leaving at the time of her death a last will, duly executed, to pass Personal Property, and naming your Orator and petitioner Hamilton Lindsay as the Executor of her said last will. That upon the 4th. day of March, 1878, the said will of the said Margaret Justice, was duly admitted to probate, by the Orphans Court for Frederick County, and Letters Testamentary, granted to the said Hamilton Lindsay. That the said Margaret Justice by said will bequeathed one half on her property to the Children of her deceased sister Barbara Duddua. Shaw and Shaw alike, and the other half of her said property to the Children of her sister Sarah Lindsay. Copies of said will and Letters Testamentary, are herewith filed, marked "Exhibit No. 3." and "Exhibit No. 4." That there being no executor or other person named in the said Will of the said David, to sell the property directed to be sold, or to execute said Will of the said David Justice, Your Complainants and Petitioners are advised that they are entitled to move this Honorable Court to appoint a Trustee, to execute the said Will of the said David Justice, and to sell the property by said Will directed to be sold, as provided by Sec. 66, of Article 16 of the Code of Public General Laws of Maryland; and that they are remediless except in your Honorable Court as a Court of Equity, where such matters are properly cognizable. That upon the sale of the said property by a Trustee of this Court, Your Petitioners are advised that one half of the proceeds thereof, less One hundred dollars, is to be distributed and paid over by said Trustee, to the Brothers and sisters of the said David Justice, or to their representatives, and the other one half of said proceeds of sale (more \$100. are to be paid over to the said Hamilton Lindsay, as Executor of the said Margaret Justice, to be by him distributed according to the provisions of her Will one half to the Children of her deceased sister Barbara Duddua, and the other half to the Children of her sister Sarah Lindsay. That William Justice of Frederick County, is the only brother of the said David Justice, and that he is still living. That Abigail Garber, of Frederick County, widow of Adam Garber is the only sister of the said David Justice, now living. That Catherine Garber, a sister of said David Justice is deceased, and that she has now living no husband, but the following Children who are her Personal representatives viz: Ann C. Gornell, wife of Levin Gornell, William H. Garber, Mary Jane Trump, wife of Geo. M. Trump, Israel Garber, Barbara Ann Shoemaker, wife of —