

by his last Will and Testament duly admitted to probate in New York City, devised his entire estate real and personal to said Emma Parkinson as will appear by a duly certified copy of said last will herewith filed as Exhibit N. - That by virtue of said devise all the right, title and interest which originally vested in said unsworn lands in said Thomas Parkinson is now vested in the said Emma Parkinson.

Your Petitioners further represent that all of your Petitioners now hold interests in said lands unsworn as hereinbefore stated, and further represent that they are now entitled to have the said unsworn lands sold, and the proceeds distributed among those entitled thereto according to their respective rights, in pursuance of and by virtue of the unexecuted trusts and provisions of the said Will and Codicil of the said Thomas Beatty Sr., as hereinbefore set forth. - But your Petitioners represent that the said lands can not be sold and conveyed until a trustee shall be appointed by a Decree of your Honorable Court in the place of the said John Beatty deceased, and authorized and empowered to sell and convey said unsworn lands according to the provisions and trusts aforesaid of the said Will and Codicil of said Thomas Beatty Sr. . . . And your Petitioners further represent that as said lands are valuable now chiefly for the timber upon them, and in the lumber markets, especially of Garrett County, it is quite customary to sell timber separate from the land, by royalty, stumpage and otherwise, and as by the will of said Thomas Beatty Sr. the original trustee, John Beatty, was authorized in his discretion to sell the real estate of said testator in such manner and on such terms as he might deem best and most advantageous, it would be advisable for the interests of those concerned to confer upon the substituted trustee the power to sell and convey said lands by the entire tract or in subdivisions thereof, and to dispose of said lands and the timber thereon separately from each other, and to sell said timber by royalty or otherwise, if he should consider it judicious to do so. Now your Petitioners therefore pray your Honorable Court to pass a Decree in the place of said John Beatty deceased, and authorizing and empowering said substituted trustee to sell and convey the said unsworn lands, known as "Flowing Meads" and "Last of All," as aforesaid and to sell and convey the same in entire tracts or in parcels, and together with, or separate from, the timber thereon, and so likewise to dispose of said timber, and to sell the latter by royalty, stumpage or otherwise, and to sell said land and said timber at public or private sale, as in the exercise of his discretion he may deem best, and on such terms as he may deem most advantageous to the parties interested, and directing said trustee to report any and all sales he may make, to your Honorable Court for its ratification, and to return the proceeds arising from such sales to be distributed under the order of your Honorable Court among those entitled thereto according to their respective rights. - And your Petitioners will now pray &c.

John Beatty
Solicitor for Petitioners.