

Hillary and Mary E. Hillary his wife their heirs and assigns and the said complainant. Show that the said Franklin Waters the trustee named aforesaid being incapacitated from acting as such trustee upon a Bill filed in the Circuit Court for Frederick County in Equity the said William J. Ross Surviving Trustee was by said Court ordered to convey all the real estate remaining unsold subject to the mortgage aforesaid to Wellington Hammond in Trust, to hold the same for the use of the said Mary E. Hillary during her life or as long as she remains unmarried in case she survives her husband John H. Hillary and after her death, or marriage if she survives her said husband to convey said real estate to the children of the said John H. Hillary and Mary E. Hillary his wife according to the provisions of said deed, all of which will fully appear by reference to a certified copy of the Decree in No. 3673, Equity in the Circuit Court for Frederick County, in Equity marked Exhibit No. 3 Your complainants charge that the said William J. Ross in obedience to the order and decree of said Court conveyed said lands to said Wellington Hammond subject to the mortgage aforesaid as appears by a certified copy of said deed Exhibited as Exhibit No. 4. Your complainants further charge that the said Mary E. Hillary died in the month of August in the year 1878 leaving her husband John H. Hillary surviving and the following children: 1st Mary E. Hillary now the wife of Wellington Hammond both of whom reside in Frederick County State of Maryland 2nd Thomas Hillary a son who married Annie . . . both of whom reside in Frederick County, Maryland. 3rd Susan H. Hillary now the wife of Benk. Samson both of whom reside in Frederick County State of Maryland. 4th John H. Hillary Jr. who resides in the State of Colorado. 5. Ida Franklin Hillary who resides in Frederick County, State of Maryland and all of whom are adults. And Your complainant charge that the children named aforesaid subject to the mortgage aforesaid are entitled to the reversionary interest in the said lands though the same has not been conveyed to them by the said Wellington Hammond Trustee as provided in said deed of trust and by the decree aforesaid except the said Thomas Hillary, and Your complainants charge that Thomas Hillary one of the children aforesaid in the month of January 1873 made application for the benefit of the insolvent laws of the State of Maryland under the provisions of the 48. art of the Maryland Code of Public General Laws and upon said Application Thomas M. Wolf was appointed Trustee of the said Thomas Hillary and the said Thomas Hillary, for by his deed dated on the 14th day of January 1873 conveyed to the said Thomas M. Wolf all his property and estate of every description in which he has or claim title to or interest in at the date of said deed all of which will fully appear by reference to the Record of Proceedings in said case a certified copy of which is herewith Exhibited marked Exhibit No. 5. and Your complainants charge that by virtue of the deed aforesaid the interest of the said Thomas Hillary Jr. in and to the said

Exhibit
No 2