No. 5885 Equity.

4th That thereafter the said Hezekiah Kidwell for a good & Valuable Consideration directed the said Executors to make a Conveyance of said Lot to his wife Cecilia Kidwell and his son Wilford D. Kidwell and said Executors in pursuance of said direction did Convey the same to the said Cecilia Kidwell and Wilford D. Kidwell by Deed dated the 13th day of March 1873 and of record in Liber E.M. No 9 folio 603. one of the Land Records of said County who occupie the same until the Conveyance to your orator as herein stated.

5th That no proceedings were held in the Orphans Court of said Frederick County whereby the said Cecilia Kidwell and Wilford D. Kidwell were substituted as purchasers of said lot in lieu of the said Hezekiah Kidwell.

6th That thereafter on the 22nd day of January A.D. 1878 by deed duly recorded in Liber W.J.S. No 11 folio 172 one of the Land Records of said County, the said Cecilia Kidwell and Wilford D. Kidwell and wife Conveyed said parcel of land to your orator by whom it is now held and enjoyed.

7th That the said Hezekiah Kidwell departed this life in the year leaving surviving him his wife Cecilia Kidwell and the following children and decendants of children to wit, a daughter Emma who is intermarried with her husband John H. Hetts; a son William D. Kidwell who is intermarried with his wife Martha E. a son William H. Kidwell who is unmarried - that he also left surviving him a daughter named Sophia who was intermarried with her husband Francis Shafer but she is now dead leaving surviving her her husband Francis Shafer and the folling children Warren Shafer who is intermarried with his wife Mary E. a daughter Mary E. who is intermarried with her husband Peter Patrick and a daughter Clara Shafer who is unmarried. That all of said parties reside in Frederick County Maryland and all are of full age except William H. Kidwell, Mary E. Patrick and Clara Shafer who are under twenty one years of age -

8th That your orator is advised that by reason of said sale of said lot being made as aforesaid to Hezekiah Kidwell, and ratified to him as such purchaser by said Orphans Court, the title thereto vested in him and said Executors had not the legal right to Convey the same to any person other than the said Hezekiah, without without such parties being substituted as such purchasers by said Orphans Court - that it nowhere appears by any proceedings in said Court or elsewhere that said sale was legally made by said Executors to any person other than the said Hezekiah -

9th That your orator is remediless in the premises without the aid of the Court and he is advised that this Court will upon application appoint a Trustee to convey to him all the right title and interest of the said Hezekiah Kidwell deceased and of his widow and Children and decendants of Children as his heirs at law in and to said parcel or lot of ground -

Exhibit No. 1