

No. 7085 Equity,

is here with filed marked "Plaintiff Exhibit No. 1."

II.

That after a long caveat proceedings to said Will and the settlement thereof, which will be hereafter fully set forth, your Orator, Edgar H. Davis, having been duly appointed, Executor under said Last Will and Testament was duly qualified and received Letters Testamentary as will more fully appear by a certified copy of said Letters herewith filed, marked "Plaintiff Exhibit No. 2."

III.

That under the authority of said Last Will and of said Letters Testamentary, your Orator proceeded to administer the estate in the Orphan's Court of Baltimore City, as far as it was possible to do so in view of the limited jurisdiction of said Court, he duly filed his several inventories of the real and personal estate of the said Jane M. Murray which said inventories are herewith filed marked "Plaintiff Exhibit No. 3" as the inventory of the personal property and "Plaintiff Exhibit No. 4" as the inventory of the real property, and further completely administered the estate and made a distribution thereof in said Orphan's Court of Baltimore City by the payment of all debts and expenses and by the payment of the following legacies to wit, a legacy of Five hundred dollars to Mrs. Ann J. Kilmer, a legacy of two hundred dollars to Miss Jeannie Kilmer, a legacy of three hundred dollars to Peter Smith a legacy of all the furniture, goods, and chattels of every description in the house No. 2006 Easton Place to Catherine Goode and a legacy of six thousand dollars to the Safe Deposit and Trust Company of Baltimore, which was a legacy in trust to them to pay the income arising from investing the same to John John L. M. Dermott a nephew of the deceased during the term of his natural life, and after his death that the same might fall into and become a part of the rest and residue of the estate. All these legacies were fully paid and your Orator Executor fully released, all will appear by a certified copy of the final account of your Orator Executor herewith filed, marked "Plaintiff Exhibit No. 5."

IV.

There still remains considerable property belonging to the estate most of it real estate some of it, personal property as will be hereafter more fully stated which your Orator as Executor cannot distribute under the protection of the Orphan's Court of Baltimore City, and for the protection in the distribution of which it becomes necessary for him to resort to a Court of Equity.

The circumstances which render necessary a resort to a Court of Equity are as follows, after the legacies hereinbefore set forth as having been paid, the will disposes of all the rest and residue of the estate as follows: "All the rest and residue of my estate, it is my will shall be divided into three equal parts by my Executor hereinbefore named named, One third thereof to my nephew Frank Goode, one third thereof to my nephew Ignatius Goode, (one third thereof to) Each of which shares is to be held by said nephew absolutely, The remaining one third thereof, I give and bequeath to my said nephew Frank Goode and Ignatius Goode in trust to the net income thereof to Mrs. Fannie Fitzpatrick during her natural life and after her death to divide the principal equally between such children of said Mrs. Fannie Fitzpatrick as may be living at the time of her death, the children of any deceased child to take the share of their parent if living would"

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