Bill of Complaint.

No. 5277 Equity.

Emory Diller and Annie Diller, his wife, Hester C. Thomas and Charles A. Thomas,
vs.
John Franklin Thomas, George H. Thomas, Joseph C. Thomas and Addie R. Thomas,

No. 5277 Equity
In the Circuit Court for Frederick County,
Sitting as a Court of Equity

Bill of Com

The Bill of Complaint of Emory Diller and Annie Diller his wife, of Baltimore City, Maryland, Hester C. Thomas and Charles A. Thomas of Frederick County, Maryland, respectfully represents with your Honors,

1st. That on the 30th day of August in the year Eighteen hundred and fifty-eight there was conveyed by deed to one George Thomas of H. of Frederick County aforesaid a certain tract of land or farm situated in the first Election District of Frederick County, Maryland, which is fully described in a certified copy of said deed as recorded among the Land Records of Frederick County, herewith filed marked Exhibit No. 1, which exhibit with all other Exhibits herewith filed it is prayed may be considered as a part hereof as fully as if herein inserted in words or figures.

2nd. These plaintiffs further represent and charge that during the year Eighteen hundred and Eighty three, the said George Thomas of H. departed this life still possessed of the above mentioned real estate, and leaving a last will and testament of which the above mentioned John Franklin Thomas was the executor and which last will and testament was duly admitted to probate by the Orphan's Court of Frederick County and on which letters testamentary were granted by said Orphan's Court to said John Franklin Thomas.

3rd. That by the provision of said last will and testament of the said George H. Thomas of H. the real estate described in Exhibit No. 1 was bequeathed and devised to the said John Franklin in trust however for the use and benefit of the wife and children of his son Charles Allan Thomas during the life of the said Charles Allan Thomas to hold the same and to collect the receive the rents and income therefrom or to allow said wife and children of his said son to possess and occupy the same, suffering the said Charles Allan to live on said farm in the discretion of said Trustee to and in further trust that immediately after the death of the said Charles Allan said trust should cease and real estate should become the property of the children of the said Charles Allan Thomas and the descendants of such of his children as may then be dead per stirpes as will fully appear by reference to a certified Extract of said last will and testament as recorded in the office of the Register of Wills of Frederick County herewith filed as Exhibit No. 2 to this Bill.

Exhibit

4th. That the wife of the said Charles Allan Thomas is now dead and there are living the following children, viz:- Annie Diller whose husbands name is Emory Diller, Hester C. Thomas, George H. Thomas, Joseph C. Thomas, and Addie R. Thomas, who are the only children living of the said Charles Allan Thomas and all of whom reside in Frederick County, Maryland, with the exception of Annie Diller and her husband Emory with their father Charles Allan Thomas and all of age excepting George H. Thomas who is in his 21st year and Joseph C. Thomas and Addie R. Thomas, who are infants under twenty one years of age.

5th. That the personal property mentioned in Exhibit No. 2 has been exhausted and has been used up so that it is no longer any benefit and that said