

No 7670 Equity.

Elizabeth Lewis and bequest in her behalf in Exhibit No. mentioned has become forfeited and void and that in consequence of said devise and bequest then becoming void and forfeited, the whole property mentioned both in Exhibit 1. and Exhibit No. 2. has become and now is the property of these Defendants by virtue of the provisions of said Exhibit. No. 1.

And Defendants further assuming say that by the terms of Exhibit No. 1. the legal title to the property mentioned in Exhibit 2. is in a certain James S. Carlin, and the Plaintiff John T. Carlin as Trustee and that said Trustee are necessary parties to said Bill, and that this Court is without jurisdiction to decree as prayed unless and until said Trustee are properly brought into Court, And Defendants having fully answered pray to be here dismissed with their costs in this behalf most wrongfully incurred.

George W. Francis  
 Wm. J. Maulby  
 att for Defs.

Elizabeth Carlin et al } No. 7670 Equity.  
 vs. } In the Circuit Court  
 William T. Carlin, et al } for Frederick County.  
 } Sitting in Equity.

To the Honorable the Judge of the Circuit Court for Frederick County sitting as a Court of Equity:-

The petition of Elizabeth Carlin John T. Carlin — Carlin his wife respectfully represents unto your Honor:-

1st That Your petitioners find their Bill of Complaint in the above entitled Cause on the 27th day of August A.D. 1903. your petitioners in said Bill of Complaint failed to make John T. Carlin and James S. Carlin, executor and trustee under the will of John Carlin deceased exhibit No. 1 filed in this Cause, who have the legal title to the property mentioned in their proceedings, parties defendant which petitioners allege is necessary to be done.

1st That the Bill of Complaint may be amended to the extent of making said John T. Carlin and James S. Carlin executor parties defendant And that the Clerk of Your Honorable Court may be directed to enter the names of John T. Carlin, and James S. Carlin, executor parties