

EXHIBIT D.

Dayton Ohio, Jan. 4 1894.

Honorable Jas. McSherry and John A. Lynch,
Judges of the Circuit Court
Frederick County Maryland-

Gentlemen--

Mr. George W. Cramer, trustee appointed by the will (Ann M. Engelbrecht) is deceased, and it is my wish that you appoint Mr. John C. Hardt of Frederick Md., to fill the position.

very respectfully Yours

Agnes Castle.

State of Ohio, Montgomery county S. S.

Be it remembered that on this 4 day of January A. D. 1894, before me a Notary Public in & for said County and State personally came Agnes Castle and acknowledged the signing thereof to be her voluntary act and deed for the uses and purposes therein mentioned.

In witness whereof I have hereunto set my hand and Notarial seal the day and year last above written.

Harry F. Melanys

Notary Public Mont. Co. Ohio.

Notary Seal.

ANSWER OF WM. M. HARDT TO PETITION FILED JAN. 9 1912.

To the Honorable the Judges of Said Court--

The answer of William M. Hardt, trustee, to the petition filed in this cause on January 9 1912, respectfully shews unto Your Honors that he does not desire to delay the rendition of an account to the Court of the funds in his hands, but, on the contrary is anxious to have an audit stated in order that he and his bond may be discharged from all obligation under the trust. But that the sole question that will be before the Court for adjudication in this cause will in all probability be heard and determined before any audit can be ratified and that in order to save the trust estate the expense of an additional audit he deemed it best to await the action of the Court in the disputed matter before making out said audit. But that in the event of the question not being settled by the 20th day of January 1912, he will proceed to have the audit made out distributing the funds in accordance with the prayer in said petition.

And as in duty bound &c.

Edward S. Eichelberger,

Solicitor for Trustee.

Jan. 13 1912.

OPINION OF COURT.

On the 20th day of September 1911, William M. Hardt, trustee in the above cause filed a petition to have construed two of the clauses in the will of Mrs. Ann Marie Engelbrecht and to determine who were entitled to share in the estate of said testatrix under said clauses. Mrs. Engelbrecht died in the beginning of the year 1886, and her will was duly admitted to probate by the Orphans Court on the 24th day of February in said year, a duly certified copy of which will is filed in the proceedings as exhibit A.

The two clauses to be construed are in words following--"To my sister Eva Margaret Schley I give \$1000, if living at the time of me said daughter's death, but if she should die before my said daughter then I will and direct that said \$1000 shall be equally divided among the female child-