

as if hereinserted in words and figures.

2. That said Leathy Ann O. Pearl died on or about the 25th day of July A. D. 1921, leaving the following children surviving her, viz; your Oratrices and Orators, Celia J. Walker, a resident of Baltimore City, Maryland, Minnie M. Toulson, a resident of Anne Arundle County, Maryland, Franklin J. Pearl and Lizzie M. Pearl, of Frederick County, Maryland, Oscar L. Pearl, of Baltimore City, Maryland, Esty M. Kahline, of Anne Arundle County, Maryland, Charles J. Pearl, of Frederick County, Maryland, and Mattie Violet Gromes, the Defendant, who is the only child of Mattie Grimes, now deceased, who is a daughter of said Leathy Ann O. Pearl, the said Mattie Violet Grimes being an infant about fifteen years of age and resides in Frederick County with her parental grandmother, Mrs _____ Grimes.
3. That on or about the 15th day of February A. D. 1882, after the death of said J. A. J. Zimmerman the five acres intended to go with said house devised for the use of said Leathy Ann O. Pearl for her life, were surveyed and laid off by Rufus A. Rager, County Surveyor, and the courses and distances embodied in a paper purporting to be a deed therefor from the Executrix of said will to John E. Zimmerman, named as Trustee for said Leathy Ann O. Pearl in said will, and which paper is filed herewith marked Exhibit No. 2; but said paper purporting to be a deed was never recorded, nor was the same of any value or legal effect except to define the outlines of the five acres devised to or for said Leathy Ann O. Pearl during her life.
4. That it is evident from the terms of said will that the testator intended said house and five acres of land to be sold after the death of said Leathy Ann O. Pearl and the proceeds to be "equally divided among the children," but there is no one now authorized to make such sale and said real estate cannot be divided among the parties in interest without loss or injury. And it would be to the interest and advantage of all parties in interest, infant as well as adult for said real estate to be sold and the proceeds divided.

And your Orators and Oratrices pray for the following relief;

- (1) That a Trustee or Trustees may be appointed by your Honorable Court to sell said real estate and divide the proceeds of sale among the parties entitled.
- (2) That your Complainants may have all such other and further relief to which they may be entitled.

And your Complainants further pray that the writ of subpoena in the usual form may be issued against the said Mattie Violet Grimes, infant defendant, of Frederick County, Maryland, summoning her to appear in this case.

And your Orators and Oratrices will ever pray &c.

Urner & Urner
Solicitors for Plaintiffs.

EXHIBIT NO. 1
COPY OF WILL OF JOHN J. ZIMMERMAN

In the name of God, Amen, I John A. J. Zimmerman of Frederick County, in the State of Maryland, being effected in body with gravel, but of sound and disposing mind, memory and understanding, considering the certainty of death, and the uncertainty of the time thereof, and being desirous to settle my worldly affairs, and thereby be the better prepared to leave this world when it shall please God to call me hence, do therefore make and publish this my last will and testament, in manner and form following that is to say; - First and principally, I commit my soul into the hands of Almighty God, and my body to the earth, to be decently buried at the discretion of my executrix, hereinafter named, after my debts and funeral charges are paid, I devise and bequeath as follows; that is to say.

Item, I give devise and bequeath to my beloved wife Mary Margaret my farm lying in Lewistown District known as the Shaw farm containing 110 acres of land more or less, and all the rails and posts on said farm and my mountain lot lying in Oxes hollow containing 17 $\frac{1}{2}$ acres of land more or less, conveyed to me by George Dutro and wife, Also my mare called Dinah, three cows which she may chose from the herd and all my hogs and poultry, household and kitchen furniture and garden tools,