No. 7907 Equity.

James E. Walker, Surviving Trustee under the Will of George Markell, deceased, for the sue and benefit of Mary Byerly.	"	In the Circuit Court
	"	For Frederick County,
On.	"	sitting as a Court
PETITION.	"	of EQUITY.

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TO THE HONORABLE, THE JUDGES OF SAID COURT;---

The Petition of James E. Walker, Surviving Trustee, under the Will of George Markell, late of Frederick County, deceased, for the use and benefit of his daughter, Mary Byerly wife of J. Davis Byerly, respectfully shows unto your Honors;---

1. That George Markell, late of Frederick County, deceased died in the year A.D. 18__ a certified copy of which last Will and Testament is herewith filed marked Exhibit # I which it is prayed may be taken as a part hereof, as if herein in words and figures set forth.

2. That one of the Executors and Trustee named in said Will, to wit, W. Irving Parsons, died in November A.D. 1900,

3. That by one of the provisions of the Will of the said George Markell, he gave, devised and bequeathed one of the four equal parts of his estate unto James E. Walker and W. Irving Parsons, or the survivor of them, in trust, to hold the said one fourth equal part or portion, in trust, to pay the income, interest and profits therefrom, semi-annually, into the hands of Mary Byerly, wife of J. Davis Byerly; with full power in thie discretion, to invest the said one fourth equal portion, in some safe and profitable securities, real estate, ground rents, or otherwise, and with full power to re-invest the same from time to time, and to pay such income as aforesaid to Mary Byerly, for and during her life, and after her death the said Testator gave and bequeathed said part or portion to the children of the said Mary Byerly and the descendents of any deceased child or children who may be living at her death, and to be divided equally among the testators said daughters children and their descendents, share and share alike, as will more fully appear by reference to a certified copy of said Will herewith filed and marked Exhibit # I as aforesaid.

4. That by one of the provisions of the said Will, the said Executors, or the Survivor of them, were authorized and empowered to sell and dispose of any and all of the estate, real and personal, except such parts thereof as were in said Will specifically devised and bequeathed, and were authorized to make such sale or sales, at either public or private sale.

5. That by virtue of said power and authority in said Will contained, and by an order of the Orphans Court of Frederick County, passed on the 1" day of May, A.D. 1905, the said James E. Walker, as Surviving Executor sold at private sale unto Elizabeth Markell, Mrs. Harriet Detrick, Mrs, Annie Walker, and your Petitioner as Trustee for Mary Byerly, certain of the ground rents or lots and parcels of land in Baltimore City, Maryland, held by said Testator, as will appear by reference to the said Report of Sales and acknowledgements of purchase thereto, and filed and duly recorded in the Office of the Register of Wills for Frederick County, Maryland, in the Record Book of Sales of Real Estate, liber _____ folio_____, as by reference thereto will more fully and at large appear.

8. Your Petitioner prays your Honors to assume jurisdiction of the settlemet of the said trust estate, so that he may execute his said trust under the direction and protection of your Honorable Court.

And as in duty bound etc.,

(May 10-1905)

J. Roger McSherry
Solicitor for Surviving Trustee.