being seized and possessed of a large real and personal estate did on the twenty ninth day of August in the year 1832 duly make and publish his last will and testament a copy of which marked No. 1, is herewith Exhibited and which your orators and oratrix pray may together with all other Exhibits hereafter to be made by them be taken and considered as a part of this their bill of complaint. — That on or about the 29th day of October in the year 1837 the said Caspar Mantz died without having revoked or in any manner altered or changed his said will That John H. McElfresh named in said will took upon himself the burden of executing all the trusts imposed upon and confided to him by said last will and testament both as the sole executor of said will, as also the trustee for the several parties, devisees and legatees named in said will. — That in and by said will and testament the said testator did among other things devise and bequeath to the said John H. McElfresh his heirs and assigns for the purposes uses and trusts mentioned and particularly set forth in said last will and testament a considerable real and personal estate as will appear by reference to said will, That among other devises in said will the said testator did devise and bequeath to the said John H. McElfresh his heirs and assigns for the purposes uses and trusts hereinafter mentioned four hundred and fifty four and a quarter acres of land more or less being part of "Hockey Creek" part of "Chance Medley" part of "Small Hope" part of "Pieces of the Discovery" and a mountain lot part of "Fieldered Manor" purchased of Daniel Miller, Hezekiah Corn & Co. Henry Hemp by his father Francis Mantz all of which will more fully appear by a reference to the several deeds of conveyance for the same being the farm on which John H. Dixon then at the date of said will resided also the dwelling house in which the testator then lived with all its furniture at the time of his death including all the lot of ground from the dwelling house in which Juliana Hedges then resided to the dwelling house then occupied by Cyrus Mantz situated on market street in Frederick Town, Also the lot on market street in Frederick between William S. McPherson's vacant lot & the house of Horatio Waters, Also twenty two acres of land more or less lying in Frederick County on Linganore adjoining a similar lot of ground which was allotted to his sister Christina by commissioners in the division of about 100 acres of land among the heirs at law of the mother of said testator, provided the mother of his the testators sister Christina who is your oratrix will agree to sell and convey her share of said 100 acres of land and agree that John H. McElfresh shall invest the proceeds of both parcels of land in good funds at his discretion for the uses and purposes hereinafter mentioned and the said testator by his said will did authorize and empower the said John H. McElfresh to sell and convey the same in as full and ample a manner as he himself could do. — The said testator did also give and bequeath to the said John H. McElfresh his heirs and assigns for the same purposes uses and trusts as hereinafter stated 310 shares of the stock of the Farmers & Mechanics Bank of Frederick County;

Also 140 shares of the Frederick County Bank stock. — Also 67 shares of Hagerstown Bank stock and thirty two thousand dollars in money to be invested in good funds at the discretion of John H. McElfresh. — Also his mulatto girl Maria then in the possession of his said sister Christina. — And the said testator in and by his said last will further declared it to be his will and desire and he so ordered and directed that immediately after his decease his sister the said Christina should go into possession of the aforesaid farm of 454¼ acres on which the said John H. Dixon then resided and should have and enjoy the whole productions and profits thereof and that all the other property hereinbefore mentioned should be in the hands of the said John H. McElfresh in trust the said John H. McElfresh to receive and collect all the nett proceeds of said real and personal estate and the same together with all the interest on Bank stock and other funds he should pay over to his the testators said sister Christina to her own separate use during her natural life whether she be covert or sole, and any receipt or acquittance of his said sister Christina though covert given to the said John H. McElfresh touching the trusts hereinbefore mentioned should be as valid in law as if she was sole, and further that after the death of his said sister Christina it was the will and desire of the said testator, and he so by his said will ordered and directed that all the real so devised to the said John H. McElfresh in trust for the said Christina should be sold and the said McElfresh should convey the same as fully as said testator himself could do and the proceeds arising from said real estate together with the Bank stock and other funds and the increase thereof therein devised in trust for the benefit of the said Christina should be equally divided amongst the children of his the testators said sister Christina that should then be living share and share alike and should any one or more of her children have died before said division then the child or children of such child or children should come in for the same share that the mother or father would have been entitled to if living provided that no sale or division of the real and personal property so devised and bequeathed as aforesaid to the said John H. McElfresh in trust for the said Christina and her children should be made until her youngest child arrived to the age of twenty one years. — All which will more fully appear by reference to said last will and testament. — Your orator and oratrix further represent unto your Honors that the said John H. McElfresh after the death of said testator gave to your oratrix full and immediate possession of said farm so devised to her as aforesaid in compliance with the direction of said testator and she has ever since received and enjoyed the rents and profits thereof He also received and paid over to her the dividends received by him on said Bank stock also the rents on the dwelling house of said testator and the several lots of ground in Frederick town as devised as aforesaid for the use of your oratrix. But the said McElfresh in his life time did not pay over to your oratrix any part of the interest due her on the said sum of thirty two thousand dollars contending that he was not bound to pay the same until two years after the death of said testator that he was