as aforesaid up to the time of such payment and that your orators and oratrix may have all such other and further relief in the premises as the nature of their case and Justice and Equity may require, May it please your Honour to grant unto your orators and oratrix the States writ of subpoena in the usual form to be directed to the said William M. Beall and Theresia M. Elfreth of Frederick County, commanding them and each of them to be and appear in this Court by a certain day to be therein inserted to answer this bill of complaint on their corporal oaths and to stand to and abide by such decree or order as may be passed in the premises and as in duty bound &c.

Fred.k A. Schley, Solicitor of Complt.

Exhibit No. 1.

In the name of God my Creator Amen, I Caspar Mantz of the town of Frederick in Frederick County and State of Maryland being of sound mind memory and understanding do make and publish this my last will and testament in manner and form following that is to say, First, I devise and bequeath to John H. M.cElfresh his heirs or assigns for the purposes uses and trusts hereinafter mentioned two hundred and twenty two acres of land more or less being part of "Locust Level" and lying on the Baltimore and Hagerstown Turnpike road about one mile east of Frederick whereon William Eader now resides the said tract of land including the thirty seven and a half acres of land which I purchased of Jacob Hammal and the seventeen and a half acres which I purchased of Joseph Haller and also the fifteen and a half acres of land, which I purchased of Thomas C Worthington trustee also all that part of a tract of land called "Altogether" adjoining the lands of Nathan Hammond (of Osmond) which lies south of the Baltimore, and Hagerstown turnpike road also that lot of ground in Frederick lying on Market Street between the present dwelling of Mr. Hardt and Wm. M. Beall Esq.r and ten thousand dollars money now in the hands of John H. M.cElfresh bearing interest at the rate of three per cent per annum and five thousand dollars in cash, It is my wish and desire and I do so order and direct that the nett profits arising from the aforesaid farm of two hundred and twenty two acres after deducting what is necessary to keep said farm and the buildings thereon in good repair together with the interest arising after my death from the ten thousand dollars of three per cent funds in the hands of John H. M.cElfresh and the five thousand dollars in cash as aforesaid shall be invested in some good funds at the discretion of the said John H. M.cElfresh, I further order and direct that the said John H. M.cElfresh shall pay over to my sister Eleanor, out of the nett proceeds of the real and personal estate above devised during the life of her husband as much as the said John H. M.cElfresh may think necessary for the Comfort of my said sister Eleanor and her children but in no event to suffer any part of said proceeds to go into the husbands hands — And any receipt or acquittance which my sister Eleanor though covert shall execute to the said John H. M.cElfresh touching the aforesaid trusts shall be as valid in law as if she were sole, should my sister Eleanor out live her husband then I direct John H. M.cElfresh forthwith to erect for her on the lot adjoining

Wm. M. Beall Esq.r and Mr. Hardt aforesaid, a good and comfortable two story brick house with convenient back buildings and I hereby appropriate three thousand dollars out of my estate for that purpose, and should the said John H. M.cElfresh not think the three thousand dollars sufficient he is at liberty to apply part of the ten thousand dollars of the three cent funds in his hands or the proceeds thereof towards the completion of said dwelling house. — I further direct that should my sister Eleanor out live her husband that the nett proceeds of the land and money and cash hereinbefore mentioned shall be paid semi annually to my sister Eleanor and the interest on the ten thousand dollars in the hands of John H. M.cElfresh, shall then be raised to six instead of three per cent per annum, And upon the death of my sister Eleanor, I then order and direct that all the real estate hereinbefore mentioned shall be sold by the said John H. M.cElfresh who is hereby fully authorized and empowered to convey any part or the whole in as ample a manner as I could do myself and the proceeds arising therefrom and the ten thousand dollars in the said John H. M.cElfresh's hands and the five thousand dollars in cash and all the nett proceeds and increase of the said real and personal estate which may be in the hands of the said John H. M.cElfresh at the death of my sister Eleanor shall be equally divided between her children share & share alike but should any of her said children have died before said division shall be made and left children the said children shall be entitled to their mother's or fathers share as the case may be, But no division as aforesaid shall be made during the life of my sister Eleanors husband, nor until her youngest child shall attain the age of twenty one years. — If in the courses of events it should become necessary for the said John H. M.cElfresh to make a disposition of his worldly affairs I hereby authorize and empower him to appoint some trusty friend to carry into effect my wishes and directions respecting the devises and legacies hereinbefore mentioned and to allow him such compensation as he may think proper.

Second, I hereby devise and bequeath to John H. M.cElfresh his heirs or 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 "Rocky Creek" part of "Chance Medley" part of "Small Hope" part of "Pierpants Discovery" and a mountain lot part of "Fieldersea Manor" purchased of Daniel Miller Hezekiah Conn, Col.l Henry Hemp by my 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 now resides, also the dwelling house in which I now live with all its furniture at the time of my death including all the lot of ground from the dwelling house in which Juliana Hedges now resides to the dwelling house now occupied by Cyrus Mantz situated on Market street in Frederick town, also the lot on Market street in Frederick between William S. M.cPherson's vacant lot and 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