October Term 1869.

To the Honorable the Circuit Court for Baltimore City:

The Petition of Ann Kirby Barnum, widow of David Barnum late of Baltimore City, deceased, and of Andrew McSaughlin and of Ephraim Kirby McSaughlin of said City, who are interested in the trusts and in the property as devised and bequeathed by and under the trusts of the last will and testament of the said David Barnum said property lying in said City; respectfully shows, that your Petitioner Ann desires to be released from, and she hereby declines serving longer in, the trust limited to her and the now deceased Ephraim Kirby Barnum, by said last will and testament. And your Petitioners, inasmuch as the said trusts are yet executory and must continue to be exercised, pray of your honorable Court according to the course of the Court in such cases, and to carry out the said will, the appointment of a Trustee or Trustees to carry out and complete the said trusts, in place of said surviving Trustee Ann Kirby Barnum, who, as aforesaid, declines further serving. And your Petitioner Andrew McSaughlin states, that as assignee of the interests of several of the cestuy que trusts under said will and said trust limitations, to wit, of Richard Barnum, Augustus Barnum, Eliza Stannard, the widow of Ephraim K. Barnum, and others, he is interested in having a Trustee or Trustees appointed as above prayed or suggested, under and in execution of the purposes of said last will and testament. And your Petitioner

October Term 1869.

Ephraim K. McSaughlin states, that as a son of his deceased mother, Frances A. McSaughlin, he is interested in the said trusts, and in having the same carried out and completed. And your Petitioners pray the Court's order and decree accordingly in the premises, and such further and other relief therein as to your honorable Court shall seem proper. And your Petitioners here exhibit as part hereof, a copy of the said last will and testament, (marked A. K. B.)

Ann K. Barnum.

Charles H. Mayer, Sol. for Petrs.

Witness as to Mrs. Barnum's signature,
Saml. J. Houston.

The exhibit marked A. K. B. referred to in the said Petition is as follows to wit: (This exhibit being a copy of the will of David Barnum, appears above as Complainants' Exhibit A. and is accordingly here omitted.)

Afterwards, to wit, on the seventh day of January, in the year of our Lord eighteen hundred and fifty-seven, the following affidavit was filed in said cause, to wit:

In the Circuit Court for Baltimore City. In the matter of the Petition of Andrew McSaughlin and others, with reference to the Trusteeship under the will of the David Barnum.

State of Maryland, Baltimore City, to wit,

On this fifth day of January, A. D. eighteen hundred and fifty six, before me, the subscriber, a justice of the Peace, in and for the said City, appears Allen Elder, and makes oath that he knew Ephraim Kirby Barnum, son of David Barnum,