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Bill of Complaint.

(Filed 4th October, 1884.)

To the Honorable Edward Duffy,

Judge of the Circuit Court of Baltimore city:

The bill of complaint of Robert Brown Henderson, of Frederick city, in the State of Maryland, Margaret J. Lewis and John S. Lewis, her husband, of Harrisonburg, in the County of Rockingham, in the State of Virginia, and David Henderson, of Baltimore city, State of Maryland, executor of the last will and testament of Eliza C. Henderson, late of Baltimore city, deceased, humbly shows unto your Honor:

First. That Eliza C. Henderson, late of Baltimore city, deceased, was in her lifetime possessed of a certain leasehold lot of ground, situate on the northeast side of North Gay street, in the City of Baltimore, having a front of about twenty-five feet thereon, and being subject to the payment of the annual ground rent of fifty dollars; the improvements whereon being designated as numbers 181 and 183 N. Gay street, and so spoken of in the will of the said Eliza, hereinafter particularly mentioned.

Second. That the said Eliza C. Henderson duly executed her last will and testament on the eighth day of November, 1876, and that afterwards she duly executed two codicils thereto, one on the seventh day of November, 1877, and the other on the thirteenth day of January, 1883; that said last will, and codicils thereto appended, were duly admitted to probate as and for the last will and testament of the said Eliza C. Henderson, on the twenty-seventh day of December 1883, and are now of record in the office of the Register of Wills of Baltimore city, in Liber R. T. B. No. 52, folio 169, and say;

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of the Wills therein recorded; a certified copy of said will, codicils and order are herewith filed, marked "Exhibit E. C. H., No. 1," which it is prayed may be taken as part of this bill.

Third. That said Eliza C. Henderson departed this life on the sixth day of December, 1883, and that letters testamentary were thereafter granted to your orator, David, on her said estate.

Fourth. That said testatrix left surviving her a son, Robert Brown Henderson, who is a bachelor, a daughter, Margaret Jane, who intermarried some years prior to the death of the said testatrix, with John S. Lewis, said son and daughter being your orators, and the present plaintiffs; the children of the said John S. Lewis and Margaret J. Lewis, are as follows: John Henderson Lewis, Albert Urband Lewis and Margaret Lewis, all infants under the age of twenty-one years, and resident with their parents, in the County of Rockingham, State of Virginia.

Fifth. That William T. Henderson, named in the said will, and son of the testatrix departed this life on the fourth day of October, 1882, leaving as his sole issue his two sons, William Andrew Henderson and Robert Keene Henderson, both of whom are infants under the age of twenty one years, and resident in the City of Baltimore.

Sixth. That your orator, David Henderson, is greatly embarrassed in the distribution of the said estate by the uncertainty attending the construction of that clause of the will, disposing of the leasehold property on North Gay street, and by the further fact that William T. Henderson, the trustee named in said will to take charge of the said property, has died, and there is no person in esse competent to receive the said property and administer