

Johnson, to my beloved Wife as long as she lives, and at her death to be divided as I shall hereafter direct. ~ Item 4th "I leave all my property not disposed of, to be equally divided between all of my Children, together with the property which I have left to my beloved wife and sisters at their death" which will more fully appear, reference being had to said last Will and Testament, a Certified Copy whereof is herewith filed and Marked Exhibit "B". ~

And your Orators further show that the said Mary Marlow is the widow of said Thomas J. Marlow, and the same to whom the life estate in said real estate is devised by said last Will and Testament, and that she is willing that the same should be sold as hereinafter prayed:

And your Orators further show that the said Thomas J. Marlow left the following Children who would be entitled to said real estate after the extinguishment of the said life interest, to wit. Your Orators Duceo Marlow, Duceo Marlow, Sarah R. Clapham (wife of Samuel Clapham) Thomas J. Marlow, Robert C. Marlow, John S. Marlow, Parmenio Marlow, Margarette Durbin, Mary C. Marlow and Frances L. Marlow; That John S. Marlow has since died, leaving the following Children, William H. Marlow, Thomas M. Lawrence, Edward C. and Juliette S. Marlow, that they are all infants under twenty one years of age, and are residents of Montgomery County, in the State of Missouri. ~ Your Orators charge that said real estate is not capable of an advantageous division, and that it would be greatly to the benefit of all parties in interest, that the same should be sold and the proceeds distributed according to their several interests. ~

To the end therefore that the said Defendants may answer this Unexecuted Bill, and that a decree may be passed for the sale of said real estate, and the distribution of the proceeds thereof and that your Orators may have such other and further relief as their case may require, May it please your Honors, to grant unto your Orators the writ of Subpoena against the said Parmenio Marlow Margarette Durbin Mary C. Marlow, Frances L. Marlow and Mary Marlow commanding them to appear in this Court on some certain day to answer the premises. And may it further please your Honors to pass an order herein directing the Clerk of your Honorable Court to issue a Commission to two persons to be named by your Honors who reside near said Non Resident infant defendants, authorizing said Commissioners or either of them to appoint a guardian to answer for such infants, As in duty bound your Orators will ever pray &c. ~

Frederick Nelson

Sol^r for Complainants

Filed April 30th 1868 ~

Exhibit B.

As life is uncertain I feel it to be a duty I owe to my beloved wife from whom I got all the property I commenced business with, to write this my last Will and Testament, revoking all former wills, with my own hand, and in the fear of that God before whom I expect to appear and be judged for the deeds done in the body. ~

Item the first. I leave to my beloved wife and my two sisters the farm of One hundred and fifty four Acres more or less which was deeded to me by Thomas J. Marlow and Elizabeth his wife it being the same that Snow resides on, to be held by them and enjoyed equally so long,