

## No 3759 Equity.

Bill

To the Honorable the Judges of the Sixth Judicial Circuit of the State of Maryland sitting in the Circuit Court for Frederick County as a Court of Equity.

The Bill of Complaint of John W. Phebus and Abdiel L. Strattman and Mary M. Strattman his wife of Frederick County, State of Maryland respectfully show to your Honor, that a certain Peter Phebus late of Frederick County State of Maryland, did some time during the summer of the year Eighteen hundred and Thirty-nine, seized and possessed of large and valuable Real Estate, situated and lying in Frederick City, described in deeds from Stephen Stamer to Peter Phebus, Andrew Kern and wife to Peter Phebus and John D. Hemmell and wife to Peter Phebus, which will appear by certified copies of said Deeds herewith Exhibited marked Exhibits No 1, 2, and 3 which your Complainants may together with all other Exhibits hereinafter produced, may be taken and considered as part of this their Bill of Complaint the same as if set forth in words and figures, and also of another piece or parcel of land situated in South Street Frederick City Maryland, being a lot in Square No 57 on the plat of said, in the possession of the said Peter Phebus up to the time of his death, and since then in the possession of Elizabeth Phebus the widow of said Peter Phebus. Your Complainants further charge that the said Peter Phebus by his last will and testament executed on the 13<sup>th</sup> day of June 1839 bequeathed all his Estate real and personal to his wife Elizabeth Phebus during her widow-hood and appointed said Elizabeth his Executrix and by a subsequent clause of said will, after her decease he appointed his son George sole Executor of said last Will and Testament and empowered him to sell all his Real Estate at Public Sale and divide the proceeds of Sale equally amongst his children all of which will fully appear by reference to a certified copy of said Will marked Exhibit No 4. Your Complainants further charge that they are advised that by the tenor of said Will, the said Elizabeth Phebus wife of said Peter Phebus had but a life Estate in the lands whereof the said Peter Phebus did seized and possessed, and that upon his death the same is to be sold and the proceeds divided equally amongst his children or their representatives. Your Complainants further charge that the said George Phebus the Executor named in said Will to sell the said Land died some years ago, and that the trusts in said Will remains unexecuted, Your Complainants further charge that the said Elizabeth Phebus the widow of said Peter Phebus deince for life under the Will of said Peter Phebus, died in the month of February in the year Eighteen hundred and seventy two. Your Complainants further charge that the said Peter Phebus died leaving the following children viz: 1 James Phebus, 2 George Phebus, 3 Mary Margaret Phebus, now the wife of Abdiel L. Strattman, 4 John W. Phebus, 5 Jane Phebus, formerly the wife of George Malder, but now the wife of —, 6 Elizabeth Phebus, 7 Benjamin F. Phebus, 8 Catharine M. Phebus, that the said George Phebus died since his said father leaving one child Anna now wife of John Horck, that Catharine intermarried with Charles Burke died since her said father leaving two children, Frank Burke and Anna Mary Burke, both of whom are infants under the