

then admit that said Daniel Fogle decd seized and possessed of the lands mentioned in said Bill of Complaint, which descended to the wife of Complainant, and the defendants named in the Bills as his heirs at law. Your respondents further state that Nicholas Fogle Sr. the father of Barbara Fogle one of the Complainants and of the defendants named in said Bills, and of the said Daniel Fogle deceased, survived his son the said Daniel Fogle - and erroneously supposing himself to be the sole heir of said Daniel Fogle, did by his last will dated on the 24th. January, in the year 1878, did devise the lands of Daniel Fogle to the widow of said Daniel for life, and after his death to his son Nicholas Fogle Jr., and did devise and bequeath other real estate and legacies to his other children, except the Complainant Barbara Fogle, wife of said Isaac Fogle, who was excluded from the benefits of said will, as will be seen by a copy of said will here-with Exhibited, Marked Exhibit N. F. Sr. which your respondents pray may be taken as part of this their answer.

Your respondents further states that said Nicholas Fogle Sr. died shortly after the date of said will, and that said will being offered for Probate in the Orphans Court for Frederick County, and a caveat was filed by the said Isaac Fogle and Barbara Fogle, his wife, to the admission to probate of said will, which caveat is still pending. Your respondents state that, they are willing and desirous to abide by the provisions of said will, & in case the said will is sustained and admitted to probate they elect to take the provisions made for them by said will, leaving the devise effectual as to the widow of said Daniel Fogle deceased. And they pray hence to be dismissed.

W. J. Rosa

Solutor for Respondent.

Filed April 12th, 1878

Exhibit  
N. F. Sr

In the name of God Amen. I, Nicholas Fogle of Frederick County, in the State of Maryland, being in perfect health of body, and of sound mind and memory, do make, ordain, and publish this my last will and testament in manner and form following, to wit: - After my just debts and funeral charges are paid, I give devise and bequeath as follows I give devise and bequeath to my daughter in-law Margaret Fogle, widow of Daniel Fogle, as long as she lives, the House and 19 acres of land where she now lives, after her death Nicholas Fogle Jr. is to have said property. - I give, devise and bequeath to my wife, Elizabeth Fogle, Eight hundred dollars, and what household furniture, she may need. - I give, devise and bequeath to my son Peter Fogle, One thousand dollars - I give, devise and bequeath to my daughter Susan Lippy One thousand dollars. - I give, devise and bequeath to my son Nicholas Fogle One thousand dollars. - I give, devise and bequeath to my daughter Catharine Zecker, One thousand dollars,