

No 4488 Equity

William H. Fuddle et al

Margaretta Fuddle et al

In the Circuit Court for Frederick County, sitting as a Court of Equity.

Answers of sundry Defendants

The joint and several answers of William Haller and Mary Cordelia Haller his wife, Alice Virginia Fuddle Henry Clayton Fuddle, Selas H. Ward, William S. Ward, Charles M. Ward, John Henry Ward to the Bill of Complaint against them and other defendants exhibited in the above entitled cause.

These defendants reserving all manner of exceptions to the Bill of Complaint filed, for answer thereto say that true it is that on or about the 24th day of December A. D. 1849 a certain David Fuddle of Frederick County, Maryland made and executed as set forth in said Bill of Complaint his last Will and Testament, a certified copy of which is filed with said bill as Exhibit A, therein, that he thereafter departed this life leaving a widow just recently deceased and the children named in said Bill of Complaint surviving him, that it is provided in said last will and Testament as set forth in the 2nd page of said Bill of Complaint as follows: "Item, it is my will and desire and I do hereby give and bequeath unto my loving wife all the lands I possess, all the household and kitchen furniture together with all and every description of both real and personal property I possess for and during her natural life and after her decease to be equally divided share and share between all my children then living."

That after the death of the said David Fuddle and before the death of his widow two of his children namely Henry Fuddle and Mary Eliza Ward departed this life leaving the children and husband Thomas H. Ward mentioned in said bill surviving them. That the said David Fuddle died seized and possessed of the lands mentioned and described in said Bill and the Exhibits filed as part thereof

These Defendants further answering say that by the true construction of the said last will and Testament of David Fuddle deceased all the aforementioned and described real estate was devised to his widow absolutely and without any contingent remainder to the children surviving his said widow and they deny that any remainder was vested in the four children surviving said widow as set forth in said bill of Complaint to the exclusion of the children of the said deceased Henry Fuddle and Mary Eliza Ward.

These defendants ^{further} answering aver and charge that under and by virtue of the said clause of said will they are entitled to an interest in said real estate equal to that which their parents would have received had they the said parents survived them

These defendants further answering aver and charge that as the grand children of the said widow who died intestate the owners in fee of the said real estate by virtue of said last will and Testament of the said David Fuddle they are entitled to an interest in said real estate equal to that which their parents should have received had they the said parents survived them.

These defendants further answering admit that it would be to the interest

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