No 1012 Equity

described in Exhibit No. in which was included the lands described in Exhibit No 3, all of which will appear by reference to Exhibit No 4 herewith filed & being a certified copy of said last Will and Testament recorded in the Office of the Register of Wills for Frederick County and admitted to probate by the Orphans Court for Frederick County, that by the provisions of said last Will and Testament the said John Montgomery left the given the real estate thereon devised to him as above mentioned which included Two hundred and fifty eight Acres of Land more or less.

Bill of Complaint

These Complainants further represent that sometime in the month of January in the year Eighteen hundred and Seventy seven, the said John Montgomery Jr died seized and possessed of the real estate devised to him as above set forth, which had all been embraced in his back at the time of his death, that on the 9th day of April A. D. 1877 the said John Montgomery Jr executed his last will and testament in which he devised said real estate to his wife Mary Montgomery so long as she should live after him, and after her death then that the same should be equally divided between his children share and share alike, with the exception that his daughter Isabella Burgher's share should remain in the hands of his Executors, to be by them invested and the interest be paid to the said Isabella during her life and in her death then her portion to be divided equally among his children, that his sons John W Montgomery and James I Montgomery were made Executors of said last Will and Testament, which testament after the death of the said John Montgomery Jr was duly admitted to probate by the Orphans Court for Frederick County, a certified copy of which as recorded in the office of the Register of Wills for Frederick County is herewith filed marked Exhibit No 5, that the said Mary Montgomery by virtue of said last will and testament took said real estate for and during her natural life and no longer and that on her death the same reverts to the children of the said John Montgomery as devised by said last Will and Testament and in no manner therein set forth — that there is no power of sale conferred on said executors by said last and testament

These complainants further represent that the said John Montgomery Jr left surviving him the following children who are entitled to said real estate by virtue of said last will and testament, Mary Ann Cook married to Alex T. Cook, John W Montgomery, married to Susan Montgomery his wife; Caroline E Ryan married to John Ryan, James I. Montgomery married to Ann H. his wife, Emma R Clem married to Albert Clem, these Complainants, Isabella Burgher married to Bayles E. Burgher, Josephine N Longley married to Rev. John W. Longley and Joanna Roper married to Charles F Roper all of whom are living in Frederick County, Maryland with the exception of Caroline E Ryan and her husband John Ryan who live in