

No. 4615 Equity

Lewis R. Musselton & others
Franklin Musselton & others

To the Honorable the Judges of the Circuit Court for Frederick County, sitting in Equity.

The Bill of Complaint of Lewis R. Musselton

Bill of Complaint

of Frederick County, Frank Hauser and Sarah A. Hauser his wife of Howard County, and Saml Owens and Mary J. Owens his wife of Frederick County, respectfully shew unto your Honor that Michael Musselton late of said County, died many years ago, intestate, seized and possessed of fifty eight and a half acres of Land, more or less, situated in Mt. Pleasant District in Frederick County, more particularly described, in a deed of conveyance from Jas. S. Hall to said Michael Musselton, a certified copy of which is herewith filed, marked "Exhibit No. 1," and which with all other Exhibits in this cause filed, your Complainants pray may be taken, as a part hereof as if more fully inserted in words and figures; that said Michael Musselton died leaving Margaret Musselton, Philip Musselton, and Christian Musselton, as his only children, and heirs at law who took the said Real estate, as tenants in common; that the said Christian Musselton conveyed to the said Margaret Musselton his undivided One-third interest in said real estate by deed, a certified copy of which is herewith filed, marked "Exhibit No. 2," that the said Margaret was unmarried, and died intestate, in April A. D. 1879, leaving the following as her only heirs, at Law: Lewis R. Musselton, Sarah A. Hauser, wife of Frank Hauser, Mary J. Owens, wife of Saml Owens, children of Philip Musselton, who was a brother of said Margaret, Franklin Musselton, Susanna Creager, wife of Lawrence Creager who died leaving, as her children, and heirs, at Law, Phoebe Shaul, wife of W. P. Shaul, and Mary J. Smith, but as to whether said Susanna died before or after said Margaret, your Complainants do not know.

Phoebe Shaul wife of W. P. Shaul, Rachel Gray, wife of C. Gray, Levi N. Musselton, Calvin Musselton and Margaret Beemith, wife of Henry Beemith, children of Christian Musselton, who was a brother of said Margaret, that Philip Musselton died sometime in the year 1875 after having made and executed his last will and testament, a certified copy of which is herewith filed, marked "Exhibit No. 3": that in said will he gives and bequeaths among other things, as follows I give and bequeath all the rest and residue of the proceeds of my real and personal estate to be equally divided among my son Lewis R. Musselton, and my daughters Sarah A. Hauser and Mary Jane Musselton in equal portions, share and share alike Item. I give and bequeath to my sister Margaret Musselton my undivided interest to the land my father Michael Musselton died seized of, the same being part of Middle Plantations, during her natural life. I also empower her to sell it or any part thereof, and pray my part of the proceeds thereof to my executor, that said Margaret Musselton did not sell the same in her life time, and after her death the said interest descended to the heirs of said Philip Musselton, that said Philip left surviving him as his widow Ellen J. Musselton, and the following, as his only children, and heirs, at law; the said Lewis R. Musselton, Sarah A. Hauser, wife of Frank Hauser and Mary J. Owens, wife of Saml Owens, that the said Christian Musselton died intestate before the death of said Margaret leaving surviving him as his widow Aida Musselton & leaving the following as his only children, and heirs, at Law: The said Franklin Musselton, Susanna Creager deceased, wife of Lawrence, Phoebe Shaul, wife of W. P. Shaul, Rachel Gray wife of C. Gray, Levi N. Musselton, Calvin Musselton, and Margaret Beemith, wife of Henry Beemith That all of said parties are non-residents of the State of Maryland except Lewis R. Musselton and Mary J. Owens, who reside in Frederick County; and Sarah A. Hauser who resides in Howard County; That all of said parties are adults; that said Real estate is not susceptible of division among said parties interest without loss and injury, and it would be to the interest and advantage