

No. 4731 Equity

a certified copy of the deed, conveying the same as recorded among the Land Records of Frederick County is herewith filed as Exhibit No. 2, which are prayed to be taken as part of this Bill of Complaint as if fully set out in words and figures, and also a Mountain Lot, containing 11 acres, 2 rods & 4 perches, purchased from William Pollan the deed for which has never been recorded but which has been owned and occupied by the deceased and his heirs for more than thirty years.

Your Complainants further represent and charge that the said James Cretin died testate leaving a last Will and testament, duly probated and recorded in the Office of the Register of Wills for Frederick County, and in which last Will and testament his widow Mary Ann Cretin was named Executrix thereof duly certified copy of which last Will and Testament is herewith filed marked Exhibit No. 3, to this Bill of Complaint.

Your Complainants further represent and charge that the said James Cretin left surviving him his above named widow Mary Ann Cretin who is now dead and the following named children and grand children surviving him as his heirs at Law

- 1st Your Complainant Mary C. Melman a daughter at present the wife of Lawrence L. Melman.
- 2d Your Complainant John J. Cretin a son, at present married to Emily E. Cretin
- 3d Your Complainants Mary J. Heery and Agnes R. Heery, the children and heirs at law of Ann E. Heery, a deceased daughter of the said James Cretin who died since the death of her father intestate leaving a husband named Francis P. Heery who yet survives her.
- 4th James P. Cretin a son.
- 5th Joseph A. Cretin a son
- 6th Agnes C. Cretin, a daughter who died intestate in the year Eighteen hundred and sixty, without any children
- 7th Simon G. Cretin a son who died intestate a short time after his father in the year Eighteen hundred and fifty seven without children, that all the above named parties are adults and live in Frederick County Maryland with the exceptions of Francis P. Heery, Mary J. Heery, and Agnes R. Heery, who live in the City of Philadelphia in the State of Pennsylvania, and James P. Cretin who is a non-resident of the State of Maryland and when last heard from resided in the State of Michigan

Your Complainants further represent and charge that by said last will and testament by reference where to it will fully appear the said James Cretin, deceased devised and bequeathed to his said widow Mary Ann Cretin all his estate, real, personal, and mixed for and during her natural life, and after her death to be equally divided among his children above mentioned - that the said Mary Ann Cretin was also authorized and empowered by said last will and testament to sell said estate if she should see proper and to enjoy the interest of the proceeds of such sale during her natural life, and after her death the proceeds of such sale should be divided equally among his children share and share alike - that by said last will and testament the said Mary Ann Cretin was authorized and empowered to advance to any of his said children their portions devised and bequeathed to them under said last will and testament but which was not done by the said Mary Ann Cretin.

Your Complainants further represent and charge that the said Mary Ann Cretin never exercised or discharged the authority given her by said last will and testament to make sale of the estate of the said James Cretin, deceased, that she is now dead

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