No. 4803 Equity.

Charles L. Wenner, by Lavinia Wenner, his mother & next friend

vs.

John L. Jordan, John L. Jordan Jr. Benjamin Crampton Lavinia Wenner Charles Wenner & Leroy P. Wenner

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

Humbly complaining shews unto your Honors Your Orator Charles L. Wenner by Lavinia Wenner his mother and next friend. That a certain Charles L. Wenner late of Frederick County, departed this life about the last of the month of May last past intestate, leaving Lavinia Wenner the mother of Yr. Orator as his widow and your Orator and a certain John Wenner as his only children and heirs at Law: that both yr Orator and said John Wenner are infants under 21 years of age Yr Orator being between 19 and 20 and said John being about 14 years of age: And that yr Orator, Lavinia Wenner and John Wenner all reside in Frederick County — And your Orator further shews that said Charles L. Wenner was at the time of his death seized and possessed in fee of One undivided third part in certain lots or parcels of land situated in Frederick County the other two undivided third parts whereof were owned by a certain John L. Jordan and a certain John L. Jordan Jr. respectively, each owning one undivided third part: And that the said Charles L. Wenner John L. Jordan and John L. Jordan Jr. held said lands herein mentioned as tenants in Common — And yr Orator further charges that said lands consist of a Mill, warehouses, dwelling houses, and Storehouses, which in great part have been used in the carrying on of an extensive business by the firm of Jordan Wenner & Co. of which firm the said Jordan Jr & Senior and the said Wenner were the partners: And that the lands herein mentioned cannot be divided among the parties entitled to the same without loss and injury to the parties interested. Yr Orator further charges that said lands have descended and are the property of himself and the said John Wenner his brother subject to the Dower of in the same of Mrs Lavinia Wenner his mother.* And yr Orator further shows that the Lands hereinbefore mentioned consist of the lands mentioned in a Deed from John L. Jordan & wife to Charles L. Wenner & William Graham dated April 21. 1874, and which is recorded in Liber J. G. No. 1 folio 560 a certified copy whereof is filed herewith by Exhibit No. 1, which with all other Exhibits herewith filed, are prayed to be taken and considered as parts hereof: Also of the lands mentioned in a Deed from William Graham and wife to said John L. Jordan & Charles L. Wenner a certified copy whereof is herewith filed marked Exhibit No. 2;

Also all those lots or parcels of Land situated in the Town of Berlin in Frederick County which are known and designated on the Plat of said Town as lot No. 4 with the buildings and improvements, it being the same property which the said C. L. Wenner obtained from Edward Hymes & wife by Deed a certified copy whereof is herewith filed marked Exhibit No. 3: Also Lot No. 32 on the Plat of said Town of Berlin with the Mill thereon, and all the rights privileges and advantages belonging to the said Lot 32 Said Lot 32 being the same property which is described in a Deed from Samuel Washington & wife a certified copy of which is herewith filed as Exhibit No. 4

Also the Warehouse and improvements erected on Lot No. 36 on the Plat of said Town, the Lot belonging to the Chesapeake & Ohio Canal Company, together with the rights and privileges granted by said Canal Company in relation thereto and which are mentioned in a Deed from W. R and R. S. Blacklock to said C. L. Wenner a certified copy whereof is herewith filed marked Exhibit No 5: Also all the improvements on Lots No. 37 & 38 on plat of said

* As to the undivided third part of which the said Charles L. Wenner died seized and possessed and to which the yr Orator Wenner and the said Lavinia Wenner are entitled as Dower in the same, John L. Jordan Jr. is in the lands mentioned herein.