

No. 3992 Equity

In the Circuit Court for Frederick County

Charles H. Shreve and wife

vs

Daniel T. Shreve, Richard B. Shreve and others

No 3992 Equity

February Term, 1875

Be it remembered, that heretofore, to wit, on the 20th day of June 1874, the said Complainants, by John E. R. Hood Esq. their solicitor, filed in Court here the following bill of Complaint:

To the Honorable, the Judges of the

Sole Judicial of the State of Maryland:

The bill of Complaint of Charles H. Shreve and Anna E. Shreve, fully shows unto your Honorable Court, that on the 3^d day of April, A.D. 1855, a certain Mary E. Shreve, late of the County and State aforesaid, being possessed of valuable real and personal estate, both in the State of Maryland and Virginia, made and executed her last will and testament, and shortly after the execution of her aforesaid last will and testament, the said Mary E. Shreve died, leaving a husband, Benjamin Shreve, and Daniel T. Shreve, Benjamin F. Shreve, Charles H. Shreve, Thomas J. Shreve, Mary E. Shreve, Anna O. Shreve and Arthur B. Shreve, her seven children, surviving her.

That in September, A.D. 1860, the said Benjamin Shreve, the husband of the said Mary E. Shreve also departed this life, and that on or about the 4th day of February, A.D. 1861, the said Mary E. Shreve, daughter of the aforesaid testatrix, died without issue.

That the said testatrix, by her said last will and testament, willed and bequeathed to her aforesaid husband an annuity of Three hundred dollars during his single life, and then willed and bequeathed all her property, real and personal, both in the States of Maryland or Virginia, or either of them, to her aforesaid seven children, in the words following to wit: "I give, devise and bequeath all my lands, tenements and hereditaments, lying in the State of Maryland or Virginia or either of them, to my children, namely, Daniel T. Shreve, Benjamin F. Shreve, Charles H. Shreve, Thomas J. Shreve, Mary E. Shreve, Anna O. Shreve, Arthur B. Shreve, for and during their natural lives, to be equally divided between them, and on the death of the said children or either of them, I give, devise, and bequeath the share or portion of said child to his or her issue, lawfully begotten, and their heirs and assigns forever, and if any of said children shall die without issue, lawfully begotten, I give, devise and bequeath his or her portion to the surviving child or children, and their issue, and to the heirs of said issue forever."

That the said Estate, real and personal, was held and enjoyed in common, during the lifetime of the said Benjamin Shreve, husband, and Mary E. Shreve daughter of the said testatrix, and up to the 9th day of August, A.D. 1865.

That on the 9th day of August, A.D. 1865, Daniel T. Shreve, Benjamin F. Shreve, Charles H. Shreve and Thomas J. Shreve, four of the six aforesaid surviving children and heirs, filed a bill of Complaint against Anne Olivia Shreve and Arthur B. Shreve, the two remaining of the said surviving children, in the Circuit Court for Montgomery County, State of Maryland, the object and purport of the said bill of Complaint was for a partition of the aforesaid estate of the said testatrix; and by virtue of the said bill of Complaint, filed in the said Circuit Court for Montgomery County State of Maryland, sitting as a Court of Equity, and being Nos. 182 to 1865, and No. 187 to 1866 of the said Court, and by virtue of the decree of said Court passed in the said Cause, a partition of the real Estate of the said Mary E. Shreve, the aforesaid testatrix, situated in the State of Maryland, partly in Montgomery County, and partly in Frederick County, was made and finally ratified by the said Court.

That the examiners appointed by the said Court to make the said partition, filed a —