

No 3992 Equity

Your Complainants expressly charge that the children of the said Mary E Shreve, the testatrix, took under and by virtue of the said will, an estate in fee, or fee tail in the property of the testatrix, and that your Complainants now have, by virtue of said will, and the proceedings had in the Circuit Court for Montgomery County, sitting as a Court of Equity, above referred to, and the conveyance by the said Children of testatrix to the said Charles W Shreve; that the said Charles W Shreve is the absolute owner in fee or fee tail of the whole of the said real estate mentioned in the proceeding in the cause above referred to, being the entire real estate of the testatrix, situated in the State of Maryland, and mentioned in these proceedings.

Your Complainants further charge, that doubts have arisen as to the title of the said Charles W Shreve to the said real estate, and it is urged and claimed that the Children of the said testatrix, Mary E Shreve, under and by virtue of the terms of said last will and testament, take only a life estate, and the fee is vested in the grand children of the said testatrix.

Your Complainants expressly charge, that such a construction would be utterly at variance with the intention of the testatrix, entirely defeat her maternal wishes, cherished through life, and result in the gravest wrong and injustice to your complainant, Charles W Shreve, and his utter and entire ruin financially, and would be, and is contrary to Equity and good conscience.

But inasmuch as your complainant is unable to sell, lease or make any satisfactory disposition of the said real estate, or any part thereof, by reason of the doubt and cloud upon his title thereto and is remediless by the strict rules of the Common Law, and only remediable in a Court of Equity, where matters of such nature are properly cognizable, and to the end that the cloud upon your Complainant's title may be removed, and the title of your complainant Charles W Shreve, in and to the real estate in these proceedings mentioned, quieted by a decree of your Honorable Court, or if the said Charles W Shreve has only a life estate in and to the said real estate during the life of each of the children of the testatrix herein named, then to the end that the said real estate may be leased or sold, and the proceeds thereof invested for the use and benefit of your complainants, for and during the life of the children of the testatrix and then to her grand children and that your complainants may have such other and further relief in the premises as the nature and equity of their cause may require.

May it please your Honorable Court to grant unto your complainants, writs of subpoena against the said Daniel T Shreve, Benjamin F Shreve, Arthur B Shreve, Rosalie Shreve, Anna O Wood, Stanley Wood, Mary E Wood, Oswald T Shreve, Arthur L Shreve, Richard Florence Shreve, Annie G Shreve, Daniel L Shreve, Benjamin F Shreve, Ella Beall Shreve, Nora B Shreve, Carroll Austin Shreve, Arthur Bernard Shreve, Thomas J Shreve, Margaret C Shreve, and Margaret C Shreve, Fannie B Shreve, Richard B Shreve, Mary Esther Shreve, Annie B Shreve, Charles Elgin Shreve, Thomas Bradley Shreve, commanding them, and each of them, to be and appear in your Honorable Court, on a day certain to be therein named, to answer the premises as fully and particularly as if they were thereunto specifically interrogated, and abide by and perform such order and decree as may be passed by your Honorable Court in this cause.

And your Complainants will ever pray, &c.

J. C. R. Wood
Solicitor for Complainants.

Exhibit No. 1

In the name of God, Amen! I, Mary E Shreve, of Montgomery County in the State of Maryland wife of Benjamin Shreve, of said County and State, being in good health, and of sound mind memory and understanding, considering the certainty of death, and the uncertainty of the time thereof and desirous to settle my worldly affairs, and thereby be the better prepared to leave this world, when it shall please God to call me hence, do therefore make and publish this my last will and testament in manner and form following, that is to say:

First and principally, I commit my soul into the hands of Almighty God and my body