

No 3992 Equity

aforsaid husband an annuity of Three hundred dollars during his single life, and then wills and bequeathes all her property real and personal both in the States of Maryland or Virginia or either of them, to her aforsaid seven Children in the words following to wit: I give, devise and bequeath all my lands tenements and hereditaments lying in the States of Maryland or Virginia or either of them to my Children namely, Daniel F. Shreve, Benjamin F. Shreve, Charles W. Shreve, Thomas J. Shreve, Mary E. Shreve, Ann 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 heirs of said issue forever.

That the said estate real and personal was held and enjoyed in common during the life time 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 F. Shreve, Benjamin F. Shreve, Charles W. Shreve and Thomas J. Shreve four of the six aforsaid surviving Children and heirs, filed a Bill of Complaint against Anna Olivia Shreve and Arthur B. Shreve the two remaining of the said surviving six 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 aforsaid estate of the said testatrix. That 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 184 to 1865 and No 159 to 1866 of the said Court and by virtue of the decrees of the said Court passed in the said Cause a partition of the real estate of the said Mary E. Shreve the aforsaid 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 fixed a valuation upon the said real estate and that all of the said real Estate situated in the said State of Maryland was elected to be taken by Thomas J. Shreve and Charles W. Shreve two of the aforsaid heirs of said testatrix — that subsequently the said Thomas J. Shreve was by the said Court released from his election to take a part of the said real estate and the said Charles W. Shreve one of your complainants was substituted for and instead of the said Thomas J. Shreve, so that your complainant therefore under and by virtue of the decrees passed in the said Cause by the said Court and by his aforsaid election to take became possessed of the whole of said real Estate situated in Maryland containing in all about Eight hundred and twenty acres two rods and thirteen perches of land and which was assessed by the said Examiners to on all partitions at the gross sum of Thirty thousand three hundred and sixty one dollars and fifty cents. All of which will more fully appear by a reference to a certified copy of the aforsaid last will and testament of the aforsaid testatrix herewith filed marked exhibit No. 1. and of the proceeding in the aforsaid Cause Nos 184 to 1865 and 159 to 1866 in the Circuit Court for Montgomery County sitting in Equity herewith filed marked exhibit No. 2. which Exhibits together with all other Exhibits herewith filed and hereafter to be filed your complainants pray may be taken and considered a part of this their Bill of Complaint.

Your complainants further shew unto your Honorable Court that the said Charles W. Shreve has paid the whole of the said sum so fixed by the said Examiners on the real estate as the value thereof except the sum of two thousand one hundred and twenty dollars still due and owing to two of the said Children of the said testatrix for which said sum still due he has executed a mortgage for the sum still due to each which will appear by a reference to a copy of said mortgages herewith filed marked Exhibits No 3. and 4.

Your complainants further charge that the Examiners aforsaid have executed to the said Charles W. Shreve a good and sufficient Deed for the said real estate and that all of the said