

No 4952 Equity

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March Term 1884

Ordered by the Court this 29th day of April A.D. 1884. that the prayer in the above petition be and the same is hereby granted and the Trustees in said cause are authorized to receive the whole purchase money for the real estate in said cause described, Cash.

Filed April 29th 1884.

Ino Petition

No. 4789 Equity.

To the Honorable the Judges of the Circuit Court for Frederick County, sitting as a Court of Equity

The Bill of Complaint of John H. Rutzahn and Ida Rutzahn his wife of Frederick County in the State of Maryland respectfully represents unto your Honors, that in the month of December, in the year Eighteen hundred and Eighty, a certain Eli Rutzahn of Frederick County Maryland, departed this life seized and possessed of certain tracts of land or farms situated lying and being in said County and State, among which lands is a tract containing one hundred and Ninety two acres and two rods of land situated in the Third Election District of said County and fully described in a deed from Seligman J. Mosperger trustee to the said Eli Rutzahn, a certified copy of which deed as recorded among the Land Records of Frederick County is herewith filed marked Exhibit No 1. to this Bill of Complaint, which Exhibit with all other Exhibits by these Complainants herewith filed they pray may be taken and considered as a part hereof as fully as if herein inserted in words and figures.

These Complainants further represent and charge that the said Eli Rutzahn left surviving him a widow named Mary A. Rutzahn, who is yet living and the following named children and heirs at law, your Complainant John H. Rutzahn, Malachi C. Rutzahn, Simon D. Rutzahn, Lucinda F. Rutzahn, Sarah J. Rutzahn and Amanda Catharine Rutzahn all of whom are residents of Frederick County Maryland with the exception of Malachi C. Rutzahn who is a non-resident of the State of Maryland, and resides in the State of Ohio, that all of said parties are adults over twenty one years of age.

These Complainants further represent and charge that the said Eli Rutzahn died testate, leaving a last will and testament a certified copy of which last will and testament as recorded in the Register of Wills Office for Frederick County and probated by the Orphans Court of Frederick County, is herewith filed as Exhibit No 2. to this Bill of Complaint, that by the provisions of said last will and testament the tract of land mentioned and described in Exhibit No 1. to this Bill of Complaint was bequeathed and devised to your Complainant John H. Rutzahn upon condition that he pay therefor the sum of Sixty dollars per acre, which will fully appear by reference to Exhibit No 2. which bequest and devise this Complainant John H. Rutzahn refused to accept, and in writing declined to accept upon such terms and conditions as were set forth in said last will and testament, a certified copy of which refusal and declination in writing as recorded and filed in the Office of the Register of Wills for Frederick County is herewith filed marked Exhibit No 3 to this Bill of Complaint.

These Complainants further represent and charge that your Complainant John H. Rutzahn and Edward Rutzahn a brother of the deceased were named in said last will and testament as the executors thereof and that they have accepted said trust and have duly entered upon the discharge of the duties thereof.