

No. 4791. Equity

mine, and at the time of his death, was seized and possessed of all those pieces and parcels of land described in the deeds set out in said Bill of Complaint, and Exhibited as Exhibits Nos 1 & 3. and that he left surviving him his widow named Caroline Elder and the Children as named and set out in said Bill of Complaint. And this respondent further admits that the said John F. Elder by his last will and testament, which was duly executed according to law to pass real estate devised the said real estate mentioned in the Exhibits aforesaid to his wife Caroline for and during her life, and after her death to be equally divided among his four children to wit: John Francis, Josephine, Mary and Elizabeth wife of Ephraim Eckmunde Share and Share alike. And by a Codicil to his said last will the said testator, revoked the devise of said lands to his said son John Francis and did devise the said share a portion to his wife Mary Elder deducting the amount of Four hundred and fifty one dollars already paid to him. And by said Codicil did also bequeath to his wife Caroline Elder the sum of one thousand dollars out of my real Estate" as appears by a Certified Copy of said will Exhibited in said Bill of Complaint as Exhibit No 3. And this respondent further answering said Bill of Complaint admits that the said Caroline Elder the tenant for life in said lands, departed this life in the month of April 1882. and that the said Complainants and defendants named in said Bill of Complaint are now seized in fee and in possession of the real estate, mentioned in said Bill of Complaint and that the same cannot be divided without loss and injury among them and that it would be to their interest and advantage that the same be sold and the proceeds divided among them according to their several interests. And this respondent further answering said Bill of Complaint says that no part of the legacy of one thousand dollars bequeathed by the last will and Codicil of the said John F. Elder to his wife Caroline, and which was a charge on the real Estate mentioned in these proceedings, has been paid, but that the said sum of One thousand dollars and the interest accrued on the same is still due and unpaid that the said Caroline Elder by her last will and testament bequeathed the said sum of money to your respondent, and that the same is now owing to your respondent as will appear by a Certified copy of said will herewith Exhibited as part of this respondents answer to said Bill of Complaint. And this respondent denies that any part of the said legacy of One thousand dollars has been paid as charged in said Bill of Complaint, but she claims that she is entitled out of the proceeds of the sale of said land, the said sum of One thousand dollars and interest on the same, from twelve months after the death of said testator. And this respondent agrees that a decree be passed for the sale of the real estate as prayed for by said Bill of Complaint subject to the lease of said premises for one year.

Charles W Ross

Sol for deff

Mary Elder

Filed December 12. 1883.

In the name of God Amen, I Caroline Elder of Frederick County in the State of Maryland, being sick and weak in body, but of sound and disposing mind memory and understanding considering the certainty of death and the uncertainty of the time thereof, and being desirous to settle my worldly concerns, 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;