

No. 5387 Equity.

John Boyer, and Bettie Boyer,
his wife, John W. Smith, and Ida
S. Smith, his wife, Charles Smith
and Lelia Smith, his wife

— (2) —

Latur St. Boyer and Mollie Boyer,
his wife, Aaron Boyer, Carrie S. Lantz,
John Ambrose and Amanda Ambrose,
his wife, David Brown and Laura
Brown, his wife, Silas Smith, and
Mary Smith, his wife, Latur St. Smith
and Daniel Smith.

No. 5387 Equity,

In the Circuit Court
for
Frederick County,
sitting
as

a
Court of Equity,

Amended
Bill.

To the Honorable, the Judges of the Circuit Court for Frederick
County, sitting, as a Court of Equity — The amended Bill, of
Complaint of John Boyer and Bettie Boyer, his wife, John
W. Smith, and Ida S. Smith, his wife, Charles Smith, and Lelia
Smith, his wife, the leave of the Court being first had, and obtained
to file said Amended Bill, respectfully represents unto Your Honors
1st That in July A.D. 1868, One Daniel Boyer, of Frederick County,
Maryland, departed this life seized and possessed, of a farm, or tract, of
land, lying in the Northern part of Frederick County, and some Mountain
land, which is fully described in deeds, conveying the same to him, duly
certified copies, of which, as recorded, among the Land Records of
Frederick County has been filed with the Original Bill, marked Exhibits
Nos. 1 & 2, which Exhibits with all other Exhibits herewith filed by the plaintiff,
they pray may be taken and considered, as a part hereof, as fully as
if herein inserted in words and figures, Excepting therefore about 3%
Acres of land condemned for the use of the Western Maryland Rail Road
Company, as appears by proceedings in the Clerk's Office of Frederick County,
2nd That the said Daniel Boyer died Testate, leaving a last will, and Testament
in which he devised to his wife Margaret during her life or her widowhood,
The use of his farm, and the above described Real Estate with the power
relative to selling the same "If my wife however, at any time should become
weary of the management of said farm, and would rather have it
sold, or should change her name by marriage, in either of these events,
my executors shall sell the farm to the best advantage," All of which
will appear by reference to a certified Copy of said last will, duly
propated, and recorded in the Office of the Register of Wills heretofore
filed with the Original Bill marked Exhibit No. 3 and which it is
prayed will be taken as a part hereof.

3rd That the said widow, named Margaret Boyer survived said
Daniel Boyer until, the 27th. day of January 1888, when she died
in Frederick County intestate, and that she never since the death
of her said husband remarried, or had said farm sold, but that she
continued to enjoy the same until the day of her death, as provided
in said last will, and Testament

4th That there is no power of sale in said last Will, and Testament author-
izing the Executors thereof to sell said farm, or real estate, described
in Exhibits Nos 1 & 2 now, and that recourse must be had to Your