No. 6478 Equity.

as Exhibit J.K.; and which together with all other exhibits hereinafter produced, it is prayed may be taken and considered as part of this Bill of Complaint.

2nd That the said Benjamin Smith was in his lifetime, indebted unto him the said Josephus Long, upon a promissory note bearing date August 17th 1892, and payable one year after date to the order of Josephus Long, in the sum of fifty eight dollars and seventy five Cents, with interest, and that said promissory note and said sum of money, together with interest thereon from the date of said note, still remains due owing and unpaid, as will appear by reference to said note herewith filed as "Exhibit J.K." and which together with all other exhibits hereinafter produced, it is prayed may be taken and considered as part of this Bill of Complaint.

3rd That the said Benjamin Smith, departed this life at Woodsboro, this County, during the month of May or the month of June, in the year Eighteen hundred and ninety five, intestate, and that on the 17th day of June, 1895, letters testamentary were granted by the Orphans Court of Frederick County to the said George L. Smith, the son of said decedent, who duly qualified as the acting executor of said decedent, and entered upon the discharge of his duties as such, as will appear by reference to a Certified Copy of his letters of Exemplification herewith filed as Exhibit G.L.S.

3rd That by the provisions of the said last will and testament of the said decedent, Benjamin Smith, he did devise "the house in which I now reside in Woodsboro, Frederick County, Maryland, together with a moiety of the Lance annexed thereto," to my wife Catherine Smith, during her life or so long as she remained the widow of him the said Benjamin Smith, without power of alienation, and upon the termination of her interest the said house and a moiety of the said Land, was devised to George L. Smith, the son of said decedent for his life, with remainder, after his death, to the grandchildren of said decedent, Margaret Rebecca Smith, Morris L. Smith and Benjamin M. Smith, the Children of said son George L. Smith and their heirs forever, upon the payment by them, at the death of said Catherine Smith, wife of said deceased, or at the determination of her interest, and within six months thereafter, to a grand-daughter of said decedent, Alice Blanche Thomas, of the sum of Two hundred and fifty dollars, which is expressly provided to be a charge upon the home and moiety of the lot devised to his said wife, Catherine Smith.

The other moiety of said lot said decedent devised to his son George L. for life, remainder after his death to the grand-Children of said decedent, Children of the George L., above named all of which will appear by reference to a Certified Copy of said last will and testament hereinafter filed as "Exhibit B.S."

4th That the house and lot above mentioned and referred to in said will, is the lot of ground and the improvements thereon conveyed to the said Benjamin Smith by Brooke Baker and wife, by deed dated on the 14th day of May 1849, and recorded in Liber W.B.T. No 10 Folio 433. &c one of the Land Records of Frederick County, and the moiety of said lot referred to in said will and devised by said decedent to his son George L. Smith for life, with remainder to the grand Children of said decedent is all that portion of said lot conveyed to the said George L. Smith by said