

No. 7896 Equity

to have and to hold the same for during her life, and after her death to her Children, but if my said daughter Gertrude Toler, shall die without leaving Child or Children or descendants of such Child or Children living at her death, then I give devise the said property upon death of my said daughter without issue as aforesaid, to my Son Roscoe Toler, to have and to hold the same in equal rights for and during their lives and after their deaths to their Children all of which will fully appear by reference to a Certified Copy of said Will of Eliza Ann Toler, herewith filed and marked Exhibit "A" which together with all the other Exhibits herewith filed ^{and} prayed may be taken and considered as part of this Bill of Complaint.

3rd. - That your Oratrix whose maiden name was Gertrude Toler is the same Gertrude Toler mentioned in said last Will of Eliza Ann Toler and is now the wife of Plaintiff Cornelius Howland, is an adult of full age, and that no Children have been born to her.

4th That Jesse Summer Toler is an adult unmarried and is at this time a resident of Frederick County, Maryland.

5th - That Roscoe Toler, is an adult, whose wife's name is Thersa Toler and that the Infants Roswell Toler now about six years of age and Miland Toler now about two years old, are the Children of Roswell and Thersa Toler, that the said Roswell and Thersa and the said Infants are non-residents of the State of Maryland, residing in the City of Boston and State of Massachusetts.

6th. That the Dwelling house and lot aforesaid is a small piece of property renting for a very inconsiderable sum per month, is depreciating in value and in its present condition of repair does not yield sufficient rental to keep up the absolutely necessary repairs and pay the current taxes, that the Dwelling house now needs a new roof and by reason thereof that the Dwelling house now needs a new roof and by reason thereof is practically uninhabitable, and no one will or can reside therein, that several years back taxes are due and your oratrix as the life tenant is utterly unable to make said repairs or to pay the overdue taxes thereon and the property is liable to be sold for the payment the said over due taxes.

7th - That it would be advantageous to the best interests of all the parties concerned especially to the Infant Defendants to have the said Dwelling house and lot of ground sold and the proceeds thereof after the payment