

No. 6540 Equity

Graysou, Harriet Rosalie Fackler Graysou and Lafayette Graysou Junior, as her only children and heirs at law, all of whom are infants, of tender years; that the Plaintiffs are advised and so charge that by a true and proper construction of said will the Plaintiff Anna L. Toller, as devise thereunder an undivided two thirds interest in fee simple in said real estate, not defeasible upon her dying without issue living at the time of her death; and that by the true and proper construction of said will the Plaintiff Anna L. Toller, and the said children the Plaintiff Anna L. Toller and the said children of said Mary Anne Graysou, deceased, are the owners as tenants in Common of said real estate in such severalty of divisions among said tenants in Common without loss and injury; and that all of said defendants are now residents of the State of Maryland residing in the State of Virginia.

The Bill prays for a decree Construing said will and deeming that by its true intent and meaning the Plaintiff Anna L. Toller is the owner, <sup>in fee simple</sup> of an undivided two-thirds interest in said real estate, not defeasible upon her dying without issue, and that in case the Court shall so decree for the sale of said real estate and the distribution of the proceeds among the parties in interest.

It is therefore ordered by the Court this 10th day of April 1896, that the Plaintiffs cause a copy of this order, together with object and substance of the Bill, to be inserted in some newspaper published in Frederick County, once a week for four successive weeks before the 9th day of May 1896, giving notice to the defendants in said bill, and warning them to appear in this Court in person, or by Solicitor, on or before the 25th day of May 1896, to show cause, if any they have, why a decree shall not pass as prayed.

John L. Jordan  
 Clerk of the Circuit Court for Frederick County.

Decree Pro locupeto.  
 Filed May 27 1896.

The Defendants having been duly notified by publication to appear to the Bill of Complaint in the above Cause and having failed to appear thereto after publication in the "Daily News," a newspaper published in Frederick County, once a week for four successive weeks before the 9th day of May 1896, as ordered by the Court, it is therefore this 27th day of May A. D. 1896, by the Circuit Court for Frederick County, sitting at a Court of Equity,