

the brown line.

That the said 204,000 Sq. foot tract, lying as it does, contiguous to the property of Americus A., Susan W and Virginia R. Wenner, known as "Wenner Second Addition to Brunswick" and being necessary to the completion of said Addition, is more valuable to the said Americus A. Wenner, Susan W. Wenner and Virginia R. Wenner, the residuary legatees under the aforesaid will of Susan A. Wenner than the 198,500 Sq. foot tract indicated on said plat as surrounded by a brown line.

That the respective tracts aforesaid are of practically of equal value, but for the reason above given, it would be advantageous to all the parties concerned that the exchange as proposed be made and that the 198,000 Sq. foot tract indicated on said plat as surrounded by brown line be deeded to Americus A. Wenner, by a trustee to be appointed by Your Honorable Court in exchange for the said 204,000 Sq. foot tract to be deeded to Americus A., Susan W. and Virginia R. Wenner; the aforesaid 198,000 Sq. foot tract to be held by said trustees so as to enure to the use and benefit of the same parties who would be entitled to the land sold.

7th. That the Brunswick and Frederick Railroad Company, a body corporate of the State of Maryland, is desirous of obtaining a right of way as indicated on the plat marked Exhibit "B" filed with the Bill of Complaint, through and over and across the property of the parties to this cause and that the said parties hereto have agreed to grant said right of way at and for said sum of (\$500.00) dollars which your complainants believe to be an equitable and fair compensation for said right of way and the said Brunswick & Frederick Company is made a party defendant hereto for the purpose of incorporating in this proceeding the aforesaid agreement, and having same ratified and confirmed by the Court.

To the end therefore--

(1) That Your Honorable Court may appoint a trustee to convey unto the said Americus A. Wenner Susan W. Wenner and Virginia R. Wenner all that lot or parcel of ground containing 204,000 Sq. feet of land and indicated as surrounded by red line on said plat Exhibit "B" and to Americus A. Wenner and Susan W. Wenner, trustees, all that lot or parcel of ground containing 198,500 Sq. feet surrounded by a brown line as indicated on said plat, Exhibit "B" so that the same may enure in like manner as prescribed by the terms of said last will and testament of Susan A. Wenner.

(2) That your complainants may have such other and further relief as the nature and equity of their case may require.

May it please Your Honors to grant unto Your complainants the writ of subpoena in the usual form against Americus A. Wenner and Susan W. Wenner, trustees, and the Brunswick & Frederick Railroad Company, a body corporate of the State of Maryland, defendants mentioned in the aforesaid cause, commanding them and each of them to be and appear in Your Honorable Court on some day certain to be named therein to answer the premises and to abide by and perform such decree as may be passed herein.

and as in duty bound, etc.

Emory L. Coblenz

Chas. McMathias

Solicitors for Complainants.

EXHIBIT A.

I Susan A. Wenner, wife of William W. Wenner of the County of Loudon and State of Virginia, do hereby make, ordain, publish and declare this as and for my last will in manner and form following, to wit--

After the payment of all my just debts and funeral expenses I give, devise and bequeath as follows--

First--I give, devise and bequeath to my husband, William W. Wenner, for and during his life, all my estate of every kind and description.

Second--After the death of my said husband, William W. Wenner, I give and devise to my son,