

NO. 8585 EQUITY.

Daniel Tucker and Sarah B. Tucker, his wife and
Mary J. Smith, widow.

to

Druesilla Smith, widow.

No. 8585 Equity.

In the Circuit Court for
Frederick County in Equity.

To the Honorable Judges of said Court.

The Bill of Complaint of Daniel Tucker and Sarah E. Tucker, his wife, and Mary J. Smith, widow, respectfully shows unto your Honors--

1. That a certain Charles A. Tucker, late of Frederick County, departed this life intestate on or about the 26th day of July 1910, seized and possessed of the following real estate, situated in Frederick City, Maryland.

(a) All that piece or parcel of land lying and being in Frederick City, Maryland, situated on the North side of All Saints street in said city, which was conveyed to William J. Tucker by William S. Bantz and wife by deed duly recorded in liber B. G. F. No. 3 folio 202, one of the land records of Frederick County, a certified copy of which is herewith filed as a part hereof, marked Exhibit No. 1.

(b) All that piece or parcel of ground situated on what is known as "Ice Street" in Frederick Maryland, fronting on the alley leading from All Saints street to South street, which was conveyed unto one William E. Tucker by John J. Woodward by deed recorded in liber D. S. B. No. 1, folio 616, one of the land records of Frederick County, a certified copy of which said deed is herewith filed as part hereof marked Exhibit No. 2.

(c) Houses or residences situated on West All Saints street and Ice street in Frederick City, Maryland, known as Nos. 151, 153, 155, 157, 159, 161, 163 & 165 W. All Saints street and 111 and 113 ice street in said Frederick City, Maryland, which said houses your Complainant alleges and believes are the only improvements made upon and to the lots of ground aforesaid; but your complainants are not certain about this phase of the matter, and as these houses appear upon the assessment books of the city of Frederick, they deem it advisable to mention them in this Bill also all that lot of ground described in a deed from Lewis M. Nixdorff et. al., to William J. Tucker dated Feb. 6 1851, and recorded in liber B. G. F. No. 6 folio 612 herewith filed as Exhibit 3.

That the said Charles A. Tucker acquired part of said real estate to wit 1/3 thereof, by a devise to him and his two sisters, Ellen May Tucker and Frances Cary Tucker, in remainder limited after a life estate to their mother Catherine E. Tucker, under the will of their father William J. Tucker, deceased, duly admitted to probate by the Orphans Court for Frederick County and recorded in liber J. P. P. No. 1 folio 529 one of the will records in the office of the Register of Wills for Frederick county a certified copy of which is herewith filed as part hereof marked exhibit No. 3; and part thereof to wit one-sixth as a tenant in common with his sister Ellen May Tucker, by virtue of the death intestate of his sister Frances Carry Tucker, during the lifetime of his mother Catherine Tucker, the said Frances Carry Tucker dying unmarried and leaving the said Charles A. Tucker and Ellen May Tucker, as her only heirs at law to whom, under the laws of Maryland, the title to said real estate descended; and part thereof, to wit, 3/6 interest, by virtue of the death intestate of his sister Ellen May Tucker who died unmarried in the year 1908 leaving as her only heir at law and sole survivor the said Charles A. Tucker.

3. That the said Charles A. Tucker died unmarried without leaving any child or children or descendants, and without leaving any brothers or sisters, either of the whole or half blood, or descendants of such brothers or sisters, and without leaving father, mother or other ancestors in the paternal line or maternal line, except an uncle and two aunts, to wit, the Complainants Daniel Tucker and Mary Jane Smith and the Defendant Druesilla Smith, who are under the laws of Maryland, his only heirs at law, being the descendants of Andre Tucker, long since deceased, their father and the paternal grand-father of the decedent, Charles A. Tucker, the said William J. Tucker, aforesaid, who originally owned said real estate, being their brother and of course the father of said Charles A. Tucker, deceased, said real estate of which said Charles A. Tucker died, seized