NO. 9222 EQUITY.

Lillian R. Talbott Humphrey.

VS.

Frank Talbott Humphrey and Milton G. Urner, Executor &c., and Hammond Urner, successor of Milton G. Urner &c.

No. 9222 Equity.
In the Circuit Court for Frederick County, sitting as a Court of Equity.

To the Honorable the Judges of said Court--

Your oratrix complaining says--

1. That Amanda S. Hedges, late of Frederick County Maryland, died in the year 1897 after having duly executed her last will and testament, which was admitted to probate by the Orphnas Court of Frederick County, a copy of which is filed herewith marked Exhibit No. 1 and which with all other exhibits herewith filed, is prayed to be taken as part of this Bill of Complaint as fully as if here inserted in words and figures.

2. That by said will the said testatrix did, among other things, devise and bequeath as follows- " I give and devise unto my granddaughter Lillian Rosabelle Talbott, for and during her natural live and after her death to her children, my dwelling house and lot situated on East Church street Frederick City Maryland, Where I now reside, also my farm situated on the Frederick and Emmitsburg turnpike road, about five miles North of Frederick, containing 235 acres of land, more or less, and also my woodlot, being the same farm and woodlot devised to me by the last will of my deceased husband, Lycurgus E. hedges, all of said real estate to be held by my said granddaughter so long as she shall live, as her sole and separate estate, free and clear from any marital right and control of any husband she may have, and with full power to manage and dispose of the rents, issues and profits thereof when she shall have come in possession of the same, as fully as if she were a femme sole;"

And it is further provided that her executor named in said will should have the control of said real estate until her said granddaughter your oratrix, should become twebty-one years of age, and it further provides that in case said granddaughter should die without leaving any child, children or issue living at her death, then the executor named in said will should sell all of said real estate, and after paying the expenses of sale, dispose of the proceeds as in said will directed; all of which will more fully appear by reference to said exhibit No. 1.

3. That your oratrix is the said granddaughter mentioned in said will, as aforesaid, is now more than twenty-one years of age, and has since married and is now the wife of Dr. Frank M. Humphrey, and she has one child now living, the said defendant Frank Talbott Humphrey, who is an infant about twenty-seven months old.

4. That the said farm and woodland were devised to the said Amanda S. Hedges by the last will and testament of her husband, Lucurgus E. Hedges, deceased, which was duly admitted to probate and a certified extract from which is filed herewith marked Exhibit No. 2, and the said farm was conveyed to the said Lycurgus E. hedges by Frederick A. Baker and Sarah A. Baker his wife by deed dated the first day of November A. D. 1880, and duly recorded among the land records of Frederick county in liber A. F. No. 2 folio 523 etc., a certified copy of which is filed herewith, marked Exhibit No. 3, and the said woodlot containing 40 acres 3 roods and 38 perches of land, more or less, was conveyed to the said Lycurgus E. Hedges by said Frederick A. Baker and wife, by ded dated the first day ofNovember A. D. 1880, and recorded in liber A. F. No. 2, folio 524 one of said land records a certified copy of which is filed herwith marked Exhibit No. 4.

5. That your oratrix together with her said husband and infant child were living upon and occupying the said farm, and attempted to cultivate the same, but were unable to obtain satisfactory financial results therefrom, and their cultivation of said farm has been exceedingly unprofitable

6. That since your pratrix came into possession of said farm she has expended a large amount of her own funds, bequeathed to her by her said grandmother, in renovating, repairing and remodeling