

No. 9868. Equity.

Liber, W, R, No. 4. folio 183, one of the Land records of Frederick County, except so much thereof as was conveyed, by a deed from John B. Smith and the said Henry Young, and one, Christian Bellinger and wife to Johnathan Perry, which is recorded in the Land records of said County, in Liber W, b. T. No. 13, folio 183, etc., containing 46 acres, 2 rods and 19 sq. ps. of land, more or less, also,

(b) A tract of Mountain Land called "Daniel's race Ground," containing 14 acres 3 rods, and 19 sq. ps of land, more or less, situated in Frederick County, Maryland, aforesaid; both of which parcels of ground were conveyed unto the said Lewis E. Derr, by deed executed by John D. Keedy and Mary A. Keedy his wife, bearing date the 2nd day of April A, D, 1879, and duly recorded among the land records of Frederick as will appear, by a certified Copy of said deed filed herewith, marked "Exhibit A." which together with all other Exhibits herewith filed, it is prayed may be taken and considered as a p/rt of this Bill of complaint.

(c) Also a piece or parcel of mountain land containing 10 acres more or less, situated in Frederick County, Maryland, being part of a tract of land called "Cool Spring", and which was conveyed unto the said Lewis E. Derr, by deed executed by Andrew Wiener and Ann M. Wiener his wife, bearing date the 10th day of May A, D, 1872, and duly recorded among the land records of Frederick County, as will appear by a certified copy of said deed filed herewith, marked "Exhibit B".

(d) Also a part of tract of land situated in said County, and state, called "Cool Spring", containing 10 $\frac{1}{2}$ acres of land, more or less, which was conveyed unto the said Lewis E. Derr, by deed executed by John L. Lapele, his wife, bearing date the 31st day of March A, D, 1870, and duly recorded among the land Records of Frederick County, as will appear by reference to a certified Copy of said deed filed herewith, marked Exhibit "C". deducting therefrom, however, 5 $\frac{1}{4}$ acres of said last mentioned piece or parcel of land conveyed by the said Lewis E. Derr and Ann C. Derr, his wife. in their life time, to a certain John D. Derr and John P. Fleck, by deed bearing date the 15th day of April A, D, 1870, and duly recorded among the Land Records of Frederick County, as will appear by a certified copy of said Deed filed herewith as a part hereof, marked Exhibit. "d". leaving a balance of 5 $\frac{1}{4}$ acres of said land mentioned in "exhibit" C, which was owned and possessed by the said Lewis E. Derr at the time of his death,

iii.

That the said Lewis E. Derr, being seized and possessed of said land, departed this life in or about the year 1885; leaving a last will and testament in which, after his debts and funeral expenses were paid, he gave and bequeathed to his wife, Ann R, C, Derr, the aforesaid piece or parcel of land containing 46 acres 2 rods and 19 square perches, more or less in fee simple, use, possess, rent or to sell at public sale, as she may deem best, and, if sold, to invest the money in other property as she may elect, at her death, the proceeds to be given to her only Child, Mrs. Sarah A. Miller; and by said will and testament, the said testator, further gave unto his wife, Ann R, C, Derr, the three Wood lots, hereinbefore mentioned and described in Exhibits A, B, C. and D. to be used or disposed of as she may desire all of which will fully appear by reference to a certified copy of said will of Lewis E. Derr filed herewith as a part hereof marked, "Exhibit" E."

iii.

That the said Ann R, C, Derr in her lifetime, did not dispose of either of said farm containing 46 acres, 2 rods and 19, sq. ps. or any of said mountain lots, but retained the same until the time of her death, which occurred a number of years ago and she, the said Ann R, C, Derr having died intestate, the said land mentioned in Exhibits A, B, C. came into the ownership and possession of Sarah A, E. Miller; only Child of the said, Ann R, C, Derr,

iv.

That John Mentzer, late of Frederick County, now deceased, was in his lifetime and at the time of his death seized of and possessed of a farm situated in Frederick County, State of Maryland, containing in the aggregate 63 acres, 1 rod and 31 square perches of land more or less, and which was conveyed to him by three deeds, the one executed by Samuel Slifer and William Slifer, bearing date the 21st day of March A, D, 1857, conveying 56 acres, 3 rods, and 30 sq. ps of land, more or less, said deed having been duly recorded among the Land Records of Frederick County, as will appear by reference to a certified copy thereof filed herewith