No. 9894 Equity,

P E T I T I O N

James C. Moysten

on

P E T I T I O N

(No. 9894, Equity,
) In the circuit Court for Frederick
9 county, Maryland, Sitting as Court
(Of Equity.

To the honorable the Judges of the Circuit Court for Frederick County, Maryland, sitting as Court of Equity,

The Petition of James C, Moysten respectfully represents unto your Honors;-

I.

That he is a resident of Baltimore City, in the State of Maryland, and was until in December 1918, when he remarried a widower, his deceased wife having been Annie M. Devitt, who at one time was resident of Frederick City, Frederick County, Maryland,

2.

that a certian david B. Devitt late of Frederick County, Maryland, died in the month of april, in the year 1865, leaving a last will and codicil thereto which have been duly admitted to probate by the Orphans Court, of Frederick County, Maryland, and which are recordd in Liber W.1.McLain No.1.folio 155 etc., one of the records of Wills in the Office of the Register of Wills Of Frederick County, Maryland. and wherein said Testater, gave devised and bequeathed as follows;- After the payment of My Just debts and funeral expenses, I give devise and bequeath all the rest and residue of my estate, real, personal, that i die seized and possessed of to my wife, elizabeth Devitt, forand during her natural life, except my Bank Stocks and Savings institution stocks which I gave to her absolutely, After the death of my wife i. Order and Direct that my real estate, or dwelling house in which I now reside, continue as a home for all of my hereinafter named children so long as my oldest daughter Amelia C, Devitt shall live and remain single, but at her death or Marriage Whichever event may first happen then I order and direct that my aforesaid, real estate to beseld at Public Auction by my executor hereinafter named, and the money or proceeds arising therefrom together with all other money or property belonging to my estate, Shall be divided among my following Named children Viz;- Amelia C. Margaret I, Philip H. and Anna M Devitt in equal proportions share and share alike,and should any one of my aforesaid children die leaving a child or children is to have and receive such Share or portion of my estate as it or their deceased parent would have been entitled to if living. all of which will more fully appear by reference to a duly certified Copy of said Will and codicil thereto filed herewith as a part hereof and marked Exhibit NoI.

3.

That the said Elizabeth Devitt, the widow of said Testater and one of the Executers named in said will, has long since died intestate, and unmarried in the month of May ---in the year 1869.

4.

That Philip H. Devitt , The son of the tstater and the other Executor named in said will is also dead, having died intestate,and unmarried, in the next month of December, in the year 1868,

5.

That the said Annie M. Devitt one of the Testaters, daughters, named in said will was married on the date March 24th in the year 1885, unto your petitioner as will more fully and at large appear, by reference to a certified copy of the record thereof, in the office of the Clerk of the Circuit Court for Frederick County, Maryland, filed herewith, as a part hereof marked Exhibit, No,2, and the said Anna M. Devitt wife of your petitioner died in the month of December, in the year 1910 leaving a last will and testament which was duly admitted to probate by the Orphans Court of which id herewith filed as a part hrereof and marked Exhibit No,3.

6.

That Amelia C. Devitt another daughter of said Testater, and named in said will died, without ever having been Married, in the month of May in the year 1911. died, leaving a last will and Test