No. 9894. Equity.

David M. Devitt and Philip M. Devitt who have been made parties to this proceeding, demurred to the Petition filed by James C, Meyston herein and for cause of demurred say;-

1- that the said James C, Meyston has no interest in the subject Matter of said Petition and is not entitled to the relief prayed,

2- that the said James C, Meyston has no interest in the real estate mentioned in said Petition in the proceeds of sale of the real estate, or the rents or profits therefrom and that the Court is without Jurisdiction, to grant the relief prayed,

Clayton O. Keedy
solicitor for Defendants,

State of Texas, Tarrant County, to wit;-
I hereby certify that on this 7th day of February 1919, before me, the subscriber a Notary Public of the State of Texas in and for Said County, personally appeared P.M. Devitt one of the above named Demurrants and made oath in due form of law that the Demurrer filed by said dumarrants was not inteded for delay.

Witness my hand and Notarial seal. on the day and year above writta

Mildred A, Allen.
(place of seal) Notary Public,

EXHIBIT NO.I

In the name of God Amen;-
I David B. Devitt, of Frederick County, in the Stateof Maryland, do make and publish this my last will and Testament in manner and form following that is to say;-

Afterthe payment of my just debts and funeral charges , I give, devise and bequeath all the rest and residue of my real. and personal that I die seized and p possessed of to my wife, Elizabeth Devitt, for and during her natural life, exce pt my Bank Stocks and savings Institution Stocks, which I give 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 my Children hereinafter named, so long as my eldest daughter Amelia C, Devitt shall live, and remain singl but at her death or Marriage, which ever event may first happen, then I order and direct that my aforesaid real estate to be sold at public auction by my Executor hereafter named, and the money or proceeds arising therefrom together with all othe money or property belonging to my estate shall be divided among my following married 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, such 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,

My wish and desire is that my eldest daughter Amelia C, remain with her mother as long as she lives, unless in the meantime she should get married,

And lastly, i hereby constitute and appoint my wife Elizabeth Devitt Executrix and My son Philip H. Devitt exebuter of this my last will and testamnt, revoking all other former wills by me heretofore made. ratifying and confirming this and non other to be my last will and Testament.

I hereby Order and direct that neither my Executrix nor executor jointly or severally shall be required to give any security or bonds for the settlement of m my estate, having the most implicit confidence in them that they will discharge their duties in such manner as will be satisfactory to all parties concerned,

In testimony whereof i have hereunto set my hand and affixed my seal this Seventeenth day of December in the year of ur Lord one Thousand eight eight hundred and sixty four,

David B. Devitt, (seal)

signed sealed and delivered,published and declared by David B. Devitt, the above named testater, as and for his last will and tetament in the presence of us who at his request in his presence and in the presence of each Other have subscri bed our names as witnesses thereto,

Charles Mantz, J, Alfred Ritter
J.M.Harding.

State of Maryland, Frderick County, to wit;-
on this 3rd day of may in the year 1865, came Joseph M. Eberts and made oath on the Holy Evangely of Almighty God that the aforegoing instrument of Writing is the trye Whole will will and testament of David B. Devitt and Codicil. late