

No. 10315, Equity.

SIXTH;—That in Consequence of said renunciation as heretofore mentioned, the said Nettie E Zimmerman, your Petitioner, is now invested as heir with an undivided title to said real estate, mentioned in Exhibits, Nos; 1 and 2;

SEVENTH; That complainant is advised and so charges that the effect of said renunciation as to said real estate is to nullify and cancel said bequest, to the said Charles Herbert Zimmerman, as a Charge upon said Farm,

Eighth; That the Character of the above described real estate is such that it is not susceptible of Division or partition and that the widows undivided interest cannot be satisfactory set apart, for he, nor can it be divided among those to whom it is devised, without loss and injury, and further that it would be the benefit, and advantage to all who are interested therein for said real estate, to be sold, under a decree of your Honorable Court, and the proceeds divided between and among these as they are severally entitled to participate therein,

To the end therefore,

First That a decree may be passed by your Honorable Court, directing a sale, of Said real estate,

SECOND; That the proceeds of said sale may be distributed between your Petitioner, and the Other party or parties, entitled thereto according as they are severally entitled to participate, therein,

Third; And for such other and further relief as the nature of the case may require,

May it please your Honors to grant unto your petitioners the writ of Subpoena directed to the said Alfred G. Zimmerman, and Charles Herbert Zimmerman, requiring them and each of them to be and appear in your Honorable Court, on some day certain to be named in said writ, answer the premises abide by and perform such Decree as may be passed therein,

And as in duty, etc.,

William M. Storm

Frank L. Stoner,

Solicitors for Petitioners,

Exhibit No, 1,

Will

I, Albert Franklin Zimmerman, of Frederick County, State Of Maryland, being of sound and disposing mind an memory and understanding, do make ordain and publish this my last will and testament, in manner and form following;—

After the payment of my just debts and funeral expenses, I give devise and bequeath as follows;

I give, devise and bequeath to my wife, Nettie Elizabeth Zimmerman, all of my property and estate of whatever description, real, personal and mixed for and during her natural life, and after her death, I give, devise and bequeath as follows

I give and devise my home farm, (Carrollton), to my nephew, Alfred Glaze Zimmerman, and direct him to pay out of the proceeds of said farm the sum of Two Hundred dollars, annually, for the support of my Nephew Charles Herbert Zimmerman, for and during the life of the said Charles Herbert Zimmerman, for the said Annual payment to be a Charge upon said farm,

I give also and bequeath to the said Alfred Glaze Zimmerman my eight day Clock

I give and bequeath to the Saint Mathews Reformed Congregation, of the Manor Charge, Classis of Maryland, Synod of the Potomac, Reformed Church, in the United States, a body Corporate, the sum of One Thousand Dollars, and I hereby direct that the collateral Inheritance on the same to be paid out of the residuary portion of my estate,

I also give and bequeath to the said The Trustees of Saint Mathews Reformed Congregation of the Manor Charge, &c., the sum of Two Hundred dollars for the benefit of the sinking fund of the Cemetery connected with said Church at Church Hill Maryland I give and bequeath to my Prother Robert Clinton Zimmerman, the sum of One Thousand dollars,

I give and bequeath to Oscar B. Stitely the sum of Five Hundred Dollars, and my Gold Watch and Chain,