

No. 10600 Equity.

BILL OF COMPLAINT.

John P. McElfresh, Louisa Conard and Lewis Conard, her husband, Rachel E. Smith and Charles H. Smith, her husband, Fanny Anderson and Harry C. Anderson, her husband, Edmund W. McElfresh, Dorsey McElfresh, and Lottie McElfresh his wife, and Charles Philemon McElfresh. Plaintiffs.

Vs.

Lucy Mary McElfresh and William Thomas McElfresh, Infant, Defendants.

"
"
"
"
"
"
"
"
"
"
"
"
"
"
"
"

No. 10600 E Q U I T Y.
In the Circuit Court
for Frederick County,
sitting as a Court
of Equity.

-----0-----

To the Honorable, the Judges of said Court;

Your Orators and Oratrices, complaining, say;

1. That Charles McElfresh was the owner of a tract of land situated in Frederick County, Maryland, and on the 15th day of March A.D. 1866 by his Deed of said date conveyed said land to Margaret E. Linthicum, Ann M. McElfresh, Rachel McElfresh and Mary H. McElfresh, and specified in said deed that said Margaret E. Linthicum should have one half of the land thereby conveyed, and also one-half of the buildings thereon, and that said Ann M. McElfresh, Rachel McElfresh and Mary H. McElfresh should have the other half together, with one-half of said buildings; all of which will more fully appear be reference to a certified copy of said deed, filed herewith, marked Exhibit No. 1; and which with all other Exhibits filed herewith is prayed to be taken as part of this Bill of Complaint as fully as if here inserted in words and figures.
2. That while said deed conveyed to said Margaret E. Linthicum one-half of said land and buildings, and to said Ann M. McElfresh, Rachel McElfresh and Mary H. McElfresh to other one-half, it did not define specifically the outlines of said respective halves, and said Ann M. McElfresh, having died intestate seized of her one-third of the one-half conveyed to her by the said deed, Exhibit No. 1, said Margaret Linthicum and the other heirs at law of said Ann M. McElfresh did agree with said Rachel M. McElfresh and Mary H. McElfresh for a division of the land conveyed by said deed and to have each share or part defined by courses and distances; and the said Margaret Linthicum and others did accordingly by their deed dated the 18th day of December A.D. 1903, convey to said Rachel McElfresh and Mary H. McElfresh, as their portion of the land conveyed by said Exhibit No. 1, Sixty-Acres Two Roods and Twenty-Seven Square Perches of land, more or less, as will more full appear by a certified copy of said last mentioned deed, filed herewith, marked Exhibit No. 2.
3. That the said Rachel McElfresh died about the year 1918, after having executed her last Will and testament, which was duly admitted to probate by the Orphans Court of Frederick County, whereby she did devise to the said Mary H. McElfresh and Edmund W. McElfresh, her husband, for and during their natural lives her interest in said land conveyed by said Exhibit No. 2; and after their death she directed by said will that her half interest estimated at Thirty Acres should be divided among her niece, Rachel Smith and nephews, Edmund W. McElfresh and Charles P. McElfresh, giving to each one-third of the part belonging to her; as will more fully appear by a copy of said Will, filed herewith marked Exhibit No. 3.
4. That said Mary H. McElfresh has died intestate seized and her undivided one-half interest in said Sixty Acres, Two Roods and Twenty-Seven Perches Tract Described in Exhibit No. 2, and leaving as her only heirs at law your Orators and Oratrices; John P. McElfresh, Louisa Conard, Rachel Smith, Fanny Anderson, Edmund W. McElfresh, Dorsey McElfresh and Charles Philimon McElfresh, children of said Mary H. McElfresh, and Lucy Mary McElfresh and William Thomas McElfresh, children of Thomas S. McElfresh, a deceased son of said Mary H. McElfresh, and who now the undivided one-half interest of said Mary