No.8438 E Q U I T Y.

Fred Bragonier Aubert, by his Guardian and next friend, Sarah A.R.Aubert, and Abram S.McDannel, by Walter H.McDannel, his next friend, and Catherine Aubert Tyson, by G.Warren Tyson, her father and next friend.	"	No.8438 Equity, In the Circuit Court for Frederick County, Sitting as a Court of Equity.
Vs.	"	
Fred Bragonier Aubert, infant, Abram S.McDannel, infant anD Catherine Aubert Tyson, infant.	"	

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To the Honorable, the Judges of the Circuit Court for Frederick County, sitting as a Court of Equity.

The Bill of Complaint of Fred Bragonier Aubert, by his Guardian and next friend, Sarah A.R.Aubert, and Abram S.McDannel, by Walter H.McDannel, his next friend, and Catherine Aubert Tyson, by G.Warren Tyson, her father and next friend, respectfully shows unto your Honors;-

1st. That by an opinion and decree of your honorable Court filed in cause No.7188 Equity on the Equity Docket of your Honorable Court, the Will of James Brunner, late of Frederick County, deceased, was construed as to a certain real estate therein devised. That by said Decree the Defendant, Anna Katherine Tyson, wife of G.Warren Tyson, was declared to by a tenant for life by survivorship in the real estate mentioned in said Decree, and that "upon her death the estate goes, under the same clause, one third to her children should she have any, one third to the children of Mrs.McDannel (then deceased) and one third to the children of James Aubert (then deceased) the quantum of the interest which they should have taken in the real estate, had they lived, has vested in their children per stirpes, and that interest cannot be divested by their death but would descend to their respective heirs at law. As to Mrs. Tyson, should she die without leaving a child or children, her one third interest would, under the will, pass to the children of Mrs.McDannel and James Aubert as their heirs at law," as will appear by reference to the opinion and decree of the Court passed in accordance therewith, in said Equity cause No.7188. And it is prayed that the Bill of Complaint, Answer, Exhibits testimony and other papers and docket entries in said cause may be taken and considered as a part of this Bill of Complaint the same as if herein set forth in words and figures, and together with all other Exhibits herewith filed, be considered a part hereof, And that the infant defendant, Abram S.McDannel is one of the children of the said Mrs.McDannel, deceased, and that the infant defendant, Fred. Bragonier Aubert is a son of the said James Aubert deceased, and that the infant defendant, Catherine Aubert Tyson, is a daughter of said Annie Kate Tyson, and are entitled respectfvely to one fourth of one third and one third interests in remainder in said real estate under said Decree.

2nd. That since the passage of the Decree in said Equity cause No.7188, on November 20, 1900, the said infants, Walter H.McDannel, Lillian May McDannel and Henrietta S.McDannel mentioned therein have arrived at the age of twenty-one years, and that the said Abram S.McDannel and Fred Bragonier Aubert are yet infants under the age of twenty-one years, Catherine Aubert Tyson having been born since said Decree was passed.

3rd. That your Orator, Sarah A.R.Aubert, is the legally appointed Guardian of the said infant, Fred Bragonier Aubert, by Doree of your Honorable Court passed October 29, 1906, and by the Orphans Court for Frederick County on February 25, 1892, as will appear by reference to the proceedings in Equity cause No.8072 Equity on the Docket of this Honorable Court, and has duly qualified as such, and that as such Guardian she has filed her consent in writing to be made a party Plaintiff in this proceeding, as will appear by Exhibit No.1 filed in this cause; and the said Walter H.McDannel and G.Waring Tyson have filed herewith their consent in writing to appear as parties Plaintiff as next friend of said infants, Abram S.McDannel and Catherine Aubert Tyson, as will appear by Exhibits No.2 and No.4 respectively.