

BILL OF COMPLAINT.

(Filed 27 Debr. 1869)

Charles E. Smith &	:	No. 12,730 Equity.
Thomas H. Routson	:	
	:	Frederick County.
vs.	:	
	:	No. 1081 Equity.
Mary Smith, widow of	:	
John Smith, Dec'd.,	:	In the Circuit Court for
Charles S. Devilbiss	:	
and wife, et als.	:	Carroll County, in Equity.

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To the Honorable the Judges of the Circuit Court for Carroll County in Equity.

The Bill of Complaint of Charles E. Smith and Thomas H. Routzahn of Frederick County in the State of Maryland, respectfully shows unto your Honors that on the Seventh day of December in the year one thousand eight hundred and sixty seven, your orators entered into an agreement in writing with John Smith of Carroll County aforesaid, wherein and whereby your orators agreed to purchase, and did purchase from the said John Smith, his farm lying and being partly in Frederick County aforesaid, and partly in Carroll County aforesaid containing Two hundred and Eighty four and one half acres and six square perches of land, lying on Sams Creek, near McKinstry's Mill including about two acres adjoining and lying in Carroll County aforesaid and all the personal property then thereon being, excepting the grain, there growing, for the sum of Twenty four thousand dollars, to be paid as follows, Two thousand dollars to be paid on the first day of April Eighteen hundred and sixty eight, the balance to be paid in Seven years from the first day of April Eighteen hundred and sixty eight or in such yearly instalments as your orators should see proper to pay, the interest to be paid annually on whole amount of unpaid money at the rate of six per cent per annum.

Your orators further show unto your Honors that the said John Smith by said agreement covenanted and agreed to sell and did sell to your orators said farm, for the said sum of money to be paid as aforesaid, and covenanted and agreed therein and thereby, on the payment of the whole of said purchase money, that if living he the said John Smith, or if not living his Executor, or some legal person, or persons should make a good and sufficient deed for said farm, free from all incumbrance, as will appear by said agreement herewith filed and marked Exhibit A which is prayed to be taken and considered as a part of this Bill of Complaint.

Your orators further show unto your Honors that the said John Smith died in the month of September, 1868 leaving a widow named Mary Smith and the following children and heirs at law Mary Louisa wife of Charles S. Devilbiss of Baltimore City, Sarah Jane wife of Milton Day of Baltimore City, Christianna Adeline wife of your orator Thomas H. Routson of Frederick County, Francis Olivia Smith & Ellen Virginia Smith of Carroll County, and your orator Charles E. Smith of Frederick County all of whom are above the age of twenty one years.

Your orators further show unto your Honors that they have paid to the said John Smith in his life time the sum of Six thousand dollars in part of said purchase money and interest and that there is due the estate of the said John Smith now deceased the sum of Eighteen thousand dollars and interest, which said sum of money, and interest thereon your orators will be willing and ready to pay to the Executor of the said John Smith deceased on the first day of April next.

Your orators further show unto your Honors that the said John Smith at his death left a last will and testament in writing which has been duly probated in the orphans Court of Carroll County wherein and whereby he appointed your orator Charles E. Smith his sole Executor as will appear by a certified copy of said will herewith filed and marked Exhibit B which is hereby prayed to be taken and considered as part of this Bill of Complaint.

Your orators further show unto your Honors that letters testamentary on the estate of the said deceased have been granted by the Orphans Court of said Carroll County to your