

Known by No. 3. it being a part of that portion of ground which was heretofore conveyed
 by a certain Henry Roonty, to the said Rachel Steiner by deed bearing date, the 11th day of
 April 1827. and being also that part of Lot No. 3. which was conveyed by John C. Tritter
 to the said Rachel Steiner by deed dated the 13th of July 1827. and which said deeds are re-
 corded among the Land Records of the County aforesaid. and your orators further shew that
 although the purchase money from the said Real Estate was paid exclusively out
 of the funds of their said father. Nevertheless the deed for the same was by his
 Consent executed to him and a certain Augustus F. Ebert (a brother of your
 orators) as John Ebert. & son "the said John & Augustus F. Ebert - being at that
 time Partners in Trade under the same style and firm aforesaid. without that
 however that the said John Ebert. intended thereby to give to the said Augustus F.
 Ebert. any Interest whatever in the said Real Estate. for your orators aver
 that such was not his intention. but that the said deed was taken in the man-
 ner aforesaid as a matter of habit and not to confer upon said Augustus
 F. Ebert any Interest in the said property, a copy of which said last mentioned
 deed, duly authenticated is herewith exhibited marked A. which together with
 all other exhibits herewith filed, your orators pray may be taken & considered as a
 part of this their bill of Complaint. and your orators further shew - that the said
 Augustus F. Ebert, afterwards to wit: on or about the 5th day of November. 1836. de-
 parted this life, leaving a widow - Elizabeth M. Ebert. and the following Children
 and heirs at Law. to wit: Octavius A. Ebert. at this time of full age, & Maria
 L. Ebert. and Augustus Ebert. still infants under the age of Twenty one years:
 and also that the said John Ebert. afterwards died. leaving a last will & Testament
 duly executed, and unrevoked, in and by which he gave to your orators after
 the payment of his debts. and certain therein specified legacies. all the rest
 and residue of his estate, both Real. and personal. of every kind & description
 as well more particularly appears by reference to a copy of said will duly authen-
 ticated, and herewith exhibited. marked B. in and by virtue of which said will
 and last Testament your orators, have succeeded to all the right, Title, and
 Interest of the said John Ebert. in and to the Real Estate, herein before described,
 and of which your orators aver he dies seized. and possessed as Tenants
 Common with the said heirs of the said Augustus F. Ebert &c. as aforesaid.
 And your orators though they well know that the said Augustus F. Ebert. paid no
 part of the purchase money aforesaid. out of any funds that were properly his
 own. and though they believe that if he had lived. he never would have claimed
 from his father as a matter of right. the legal consequences of said deeds
 from Rachel Steiner to John Ebert and son. yet as they are unable to prove by
 Competent. and indifferent Testimony the True State of the facts as they ex-
 isted in good conscience between their said father. and brother. and as they
 are advised by their solicitors - that by the legal operation of the said deed
 the said Augustus F. Ebert and John Ebert were Tenants in Common of the
 said Real Estate. they charge that the said Augustus F. Ebert. and John Ebert
 were tenants in Common of the said Real Estate. and that at the time of
 the death of the said John Ebert, he was Tenant in Common of the same
 with the said heirs at law of the said Augustus F. Ebert. before that time &c.
 as aforesaid. your orators further shew that shortly after the said purchase. from
 the said Rachel Steiner. the said Augustus F. Ebert. went into possession
 of the said Real Estate which consists of the Lot aforesaid with a valuable
 dwelling house. and out houses thereon. to wit and that he continued to -