and as such entitled under the residuary clause, were the aforesaid William Carey, John W. Carey, Eliza Brush, Eleanor Brish, George G. Ritchie and Fanny Kemp, That the said William Carey is dead as aforesaid leaving widow and children as aforesaid, and are all entitled to one fourth part of the said residuum, or of the proceeds of the sale of the real estate therein,

And your petitioners further state that the heirs of the said Rebecca Ebert, who were mentioned in the said Will, and as such are entitled under the residuary clause, are the aforementioned Benjamin Ebert, Valerius Ebert and John W. Ebert your petitioners and William Ebert, and Anna Ramsburg aforesaid, and also entitled to one fourth part.

And your petitioners State that the aforesaid Susanna Buckey is dead, having died on or about the first day of July Eighteen hundred and Sixty one, in Harpersferry Virginia, leaving the following children, Ann intermarried with Jacob Crout formerly residing in Harpersferry aforesaid, but now believed to be a resident of the State of Massachusetts, John Buckey and Mary intermarried with William Wenzel, all non residents of the State of Virginia, and non residents of the State of Maryland, and Catharine intermarried with Ambrose Ingman, residing in Hagerstown Washington County Maryland, and Matilda intermarried with Dennis Snook residing in Sefferney, Frederick County State of Maryland.

And your petitioners State that Catharine Thomas half sister of said testator is still living and resides in Frederick County State of Maryland, and that She and the heirs of said Susanna Buckey are entitled to one fourth equally divided under said residuary clause.

And your petitioners further State, that Catharine Henshew, who is entitled under said residuary clause to the remaining fourth, is still living and resides in Frederick City, Frederick County Maryland,

And your petitioners further State that the said John C. Ritchie died, Seized and possessed of Certain real estate, other than that specifically devised to the said Catharine Henshew and her heirs, to wit three lots of ground on Patrick Street in Frederick City aforesaid, conveyed to him by Thomas and Mary Springer, Louis Medtart, and Nicholas Burbitt and wife by deed duly executed and recorded in the land records of Frederick County as will appear by reference to Exhibits "D" "E" & "F" true and certified copies of said deeds filed herewith as part of this bill; and also of a lot of ground in South Street in said City, conveyed to him by Joshua Dill & wife, by deed duly executed and recorded as will appear by reference to Exhibit "G", a true and certified copy of said deed filed herewith as part of this bill, which said last mentioned lot is the property intended to be devised to the said Henry Jones as hereinbefore stated,

And your petitioners State, that they and the others beneficiaries under the said residuary clause by reason of the death of the said Albert Ritchie, to whom the said real Estate was devised to be sold and by him divided, are remediless in the premises without the aid of your Honorable Court,

To the end therefore that the defendants hereinafter named may answer the General matters and things herein set forth, as fully and particularly as if they were herein again repeated, and they were thereto specially interrogated and that all the said real estate may be sold, and that a trustee or trustees may be appointed by your Honor in place of the said Albert Ritchie deceased to make sale of the said real estate devised to the said Albert Ritchie to be sold, and also to sell the said real estate intended to be devised to the said Henry Jones and to bring the proceeds of said sales into this Court, for partition and to be distributed under the direction