first day of February in the year 1856, leaving his said last will and testament unaltered and unrevoked; and leaving the said Matilda Ann Geyer his widow, and the said John W. James Milton, Emeline L. and Eliza Ann his devisees as aforesaid, — And your Orator further shows that said Matilda Ann, widow of said Samuel Geyer as aforesaid departed this life on or about the first day of January in the year 1860, and that thereupon said real estate fully vested in the said John W Geyer, James Milton Geyer, Emeline L Gillis and Eliza Ann Hammond devisees as aforesaid. —

And your Orator further charges that shortly after the death of said Samuel Geyer his aforesaid last will and testament was duly admitted to probate before the Orphans Court of said Frederick County and Letters testamentary thereon were granted unto the said John W. Geyer and James Milton Geyer who possessed themselves of the personal estate left by said Samuel Geyer & administered thereon — and as your Orator is informed and charges, that said personal estate was insufficient to pay the debts — due by said testator, and was applied and exhausted by said Executors, so far as it would reach in payment of other debts due by said testator, and besides said Executors over paid from their own funds for said estate but no part thereof was applied to the payment of the aforesaid sum of one thousand and ten dollars ($1010, due as aforesaid from said testator to said John W Geyer. —

And your Orator is advised, that as the personal estate of the said Samuel Geyer in the hands of his said Executors was insufficient for the payment of all his just debts, and has been applied by his said Executors in the payment of debts other than that owing from said testator to said John W. Geyer as aforesaid, and that besides said Executors overpaid their own funds for said Estate, and that said debt due as aforesaid is yet unpaid & unsatisfied, and as moreover, said debt was understood when Contracted to be a lien on said real estate for its payment, your Orator as administrator of said John W Geyer as aforesaid is entitled to have said debt due as aforesaid by said Samuel Geyer to said John W Geyer paid out of the said real estate of the said Samuel Geyer as aforesaid now in possession of the devisees of said Samuel Geyer or those claiming under them. — And your Orator further shows that since the death of said Samuel Geyer, the said Matilda A Geyer, Eliza A Hammond, John W. Geyer and James Milton Geyer on the 25th day of April in the year 1856, executed a mortgage of said real estate to a Jesse Knight of said Frederick County to secure the payment of $650, and interest thereon, as therein prescribed, with the proviso, that if said principal sum of $650, and interest were duly paid on or before the 25th day of April in the year 1861, said mortgage should be void, a certified copy of which is herewith filed as "Exhibit E" — And your Orator further shows that said John W Geyer, one of the devisees of said Samuel Geyer as aforesaid, departed this life on or about the first day of June in the year 1861, leaving no issue, and his interest in said real estate, descended, subject to the payment of his debts, to his brother James Milton Geyer, and his sisters Emeline L Gillis and Eliza Ann Hammond aforesaid as devisees as his heirs at law — And your Orator further shows, that subsequently, the said James Milton Geyer one of said devisees of said Samuel Geyer and one of the heirs at law of said John W. Geyer as aforesaid, on or about the first day of July in the year 1861, departed this life, leaving no issue, and that his interest in said real estate, descended to and vested in his said two sisters, Emeline L Gillis & Eliza Ann Hammond, in whom the legal title of said real estate of said Samuel Geyer is now solely vested. — And your Orator further shows that said Eliza Ann Hammond has been for some years a widow and resides in said Frederick County, and that said Emeline L Gillis is married to a certain Joseph Gillis, and they reside in Louisville in the State of Kentucky, and are beyond the jurisdiction of your Honorable Court as non-residents. —

To the end therefore that the defendants hereinafter named may answer the matters & things herein before charged, as fully and particularly as if they were thereunto interrogated, and that the real estate of the said deceased Samuel Geyer, or so much thereof as may be necessary for the purpose, may be sold for the payment of the claim of your Orator as aforesaid as administrator of the said John W. Geyer, & of the other unsatisfied creditors of said Samuel Geyer deceased, and that your Orator may have such further and other relief in the premises as Equity may require —

May it please your Honor to grant unto your Orator an order of publication, giving notice to the said Emeline L Gillis and Joseph Gillis her husband, who are non-residents as before stated, —