Petition.

Robert McDuell wife
vs
John McDuell &c

No 3294 Equity.

Circuit Court for Frederick County in Equity.

The Complainants Robert McDuell and Julia Maria McDuell his wife come into Court here and suggest that since the final decree passed in this cause and since the report of sales - but prior to the ratification of the report of sales John McDuell a brother and one of the heirs at law of said Henry McDuell mentioned in these proceedings died intestate as to said real estate leaving a widow named Eliza McDuell aged about seventy four years - and the following children his heirs at law to wit. 1st Ann Lydia Leake widow of Nathan Leake of the City of Wilmington Del. 2d Eliza Partella Dorrance now wife of Geo. Dorrance, who resides in the City of New York. 3d Virginia M. F. Cusack wife of John Cusack, who now resides in the City of New Orleans - And your Complainants further suggest that Jane Early a sister & one of the heirs at law of said Henry McDuell dec^d has died since the decree passed in this cause and since the report of sales - prior to the ratification thereof intestate as to said real estate - leaving a husband Michael Early aged about seventy years & the following children and grand children by Archibald Baker a former husband now dead her heirs at law to wit. 1st The children of Ann Shortley wife of Robert Shortley - a daughter who died before her said mother Jane Early leaving six children to wit. Margaret Shortley of age and George Shortley, Julia Ann Shortley, William Shortley, John Shortley & Martha Jane Shortley all of whom are minors and all reside in the State of Wisconsin. 2d John Baker a son who resides in Washington Territory. 3d Thomas Baker adult a son who lives in California. 4th Jane Bennett adult a daughter wife of Thomas Bennett who resides in State of Iowa, 5th Magdalene Caston wife of Thomas Bennett who reside in Wisconsin. 6th The children of Robert Baker dec^d a son of Jane Early who died before his mother leaving two children Thomas Baker and Rachel Jane Baker both of whom are minors and reside in Wisconsin. Your Complainants pray that Ann L. Leake, Eliza P. Dorrance & her husband George Dorrance, Virginia M. F. Cusack, and her husband John Cusack may be made parties defendants in place of John McDuell dec^d - and that Margaret Shortly, George Shortly Julia Ann Shortly, William Shortly, John Shortly Martha Jane Shortly, John Baker, Thomas Baker, Jane Bennett and Thomas Bennett, Magdalene Caston and Barnard Caston, Thomas Baker & Rachel Jane Baker may be made parties defendants in the place of Jane Early dec^d - and that this cause may be proceeded in as if no such death had occurred

Wm A Rob Solicitor for Compts

In No 3294 Equity Circuit Court for Frederick County in Equity.

Ordered by the Court this 29th day of October 1866 that the above named parties mentioned in the foregoing suggestion be made parties defendants in the cause - and that the said cause be proceeded on as if the deaths mentioned in such suggestion of John McDuell and Jane Early had not occurred. -

M Nelson

State of Maryland Frederick County Sct - On this 29th day of October 1866 before me the subscriber a Justice of the peace of the State of Maryland in and for Frederick County personally appeared Robert McDuell and made oath in due form of law that John McDuell the brother and one of the heirs at law of Henry McDuell late of Frederick County State of Maryland deceased died on or about the 29th of September 1866, leaving a widow named Eliza McDuell aged at this time about seventy four years and the following children - Ann Lydia Leake a widow - Eliza Partella Dorrance wife of George Dorrance and Virginia M. F. Cusack wife of John Cusack all of whom are of full age to the best of his knowledge information and belief. -

Thos M. Holbrunner JP

State of Maryland Frederick County Sct - On this 29th day of October 1866 before me the subscriber