

7. A daughter Emeline Smith, who intermarried with David Jones
8. Emanuel Burns and George Burns, Children of Mary Burns, a daughter who died before the death of said John Smith leaving said Emanuel and George her Children and her husband George Burns her surviving
9. John J. Smith, a son who intermarried with Maria Smith, and who are two of the Complainants in the cause
10. Joseph Smith, a son who intermarried with Ann Maria Smith, the other two Complainants in this cause.

Your Orators and Oratrices further Charge that all of said parties hereinbefore named are residents of Frederick County, in the State of Maryland, except the said Elizabeth McCrea and Michael McCrea her husband, and the said Emanuel Burns and George Burns Children of the said Mary Burns who are now residents of the State of Maryland, and do not reside or live therein; and except the said David Smith and the said George Burns husband of the said late Mary Burns who and each of whom reside in Washington County, Maryland. Your Orators and Oratrices further Charge that said real estate is not susceptible of division or partition amongst the said heirs at law with advantage, and that it will be to the interest and advantage of each and all of the said parties hereinbefore named, to have the said land sold under a decree of this Court, and the proceeds divided amongst the parties entitled thereto. Your Orators and Oratrices further Charge that by reason of the absence from the State of Maryland, of the said non-residents hereinbefore named, it is impossible to procure a sale of said real estate unless a decree of this Court shall be passed ordering and directing the same. In consideration whereof, and in as much as your Orators and Oratrices are without remedy in the Premises, except in a Court of Equity, where matters of this nature are properly cognizable relievable, and to the end that a decree may be passed ordering and directing the said real estate to be sold, and the proceeds arising therefrom to be divided amongst the said parties entitled thereto, and that your Orators and Oratrices may have such other and further relief as the nature of their case and Equity and right may require, May it please your Honors, to grant unto your Orators and Oratrices the writ of the State of Maryland, of Subpoena addressed to the said Christina Smith, William Johnson and Margaret Johnson his wife, Henry Wolfe and Catherine Wolfe, his wife, Ezra Brown and Priscilla Brown his wife, David Jones and Emeline Jones, his wife, all of Frederick County, in the State of Maryland, and also the said writ of Subpoena addressed to the said David Smith and George Burns of Washington County, in the State of Maryland, commanding each and all of said parties to be and appear in this Court at and upon some certain day to be therein named to answer the premises, and abide by and stand to such decree as may be passed in this cause; And may it also please