

No. 5104 Equity.

- 3^d That many years ago the said William Plummer Grantor, in said Deed - died.
- 4th That in or about the year 1860 the said Jesse Plummer died, without issue being seized and possessed of certain Real Estate, including said two Lots of Ground, with the improvements thereon, in the Town of New Market, and having by his Last Will and Testament a duly certified copy of which is recorded in the office of the Register of Wills for Frederick County, aforesaid, is herewith filed, as part hereof and marked Exhibit No. 2. - devised said two Lots of Ground, in said town of New Market, with the improvements thereon, along with other property to his executors therein named for the maintenance and support of his single and married Sisters and at the death of all his single and widowed Sisters - "then, all that may be left of my said estate to be equally divided among all my heirs, share and share alike"
- 5 That all said single and widowed Sisters of said testator Jesse Plummer are dead - the ^{last} survivor of them having been one Rachel Plummer the executor of said Last Will and Testament who died during the year 1883.
- 6 That that was left of said Real Estate, so as aforesaid, devised by said Jesse Plummer after the death of all his said single and widowed sisters - the said two Lots of Ground situate in the town of New Market with the improvements thereon.
- 7 That the heirs of said Jesse Plummer, who are entitled to said two Lots of Ground and improvements, are your orators William Plummer, Mary Plummer, Caroline Plummer, Francis W. Plummer, Jesse A. Plummer, Edward H. Plummer, Edward M. Plummer, and Harriet E. Sellers, the children of William Plummer, a deceased brother of said testator Jesse Plummer - and Jesse J. Plummer, Charles Plummer, Annie W. Hughes, and Samuel W. Plummer Defendants, who are the children of Thomas Plummer, a deceased brother of said testator Jesse Plummer.
- 8 That all the parties to this Bill of Complaint are Adults and alleged to be residents of the State of Maryland except Jesse J. Plummer, who resides in the State of New York, and Charles Plummer, who is alleged to be a resident of the State of Kansas both of whom are parties defendant.
- 9 That a certain George M. Smith and James Smith, as partners trading in firm name of George M. Smith & Co. recovered a judgment against said Samuel W. Plummer in the Circuit Court for Frederick County, aforesaid, on or about the 16 day of December in the year 1880 for Nine hundred and five ⁰⁰/₁₀₀ Dollars, with costs and interest which appears to be satisfied, as will appear by a duly certified copy of said judgment and docket entries relating thereto herewith filed, as part hereof, and marked Exhibit No. 3 and your orators are advised that it is proper that said George M. Smith and James Smith, partners as aforesaid, should be made parties defendant to this Bill of Complaint and that Plaintiffs are entitled to have said Real Estate being said two Lots in New Market with the improvements thereon sold clear of said encumbrance.
10. That said Lots of Ground in New Market, and improvements thereon