No. 5427 Equity.

last Will and Testament, Whereby he devised all of his Estate to his Wife Rebecca C. Ramsburg for and during her Natural Life, and after her death then to Thomas M Markell in Trust for the benefit of two daughters of said William H. Ramsburg, Viz: Fanny Rubley and Martha Ramsburg, now Martha Fout, during their lives and after their death then to their Children as by said Will will more fully appear, a Certified Whereof is filed herewith marked Exhibit No. 1. and which with all other Exhibits herewith filed is prayed to be taken as part of this Bill of Complaint as fully as if herein inserted in words and figures.

4— That said Rebecca C. Ramsburg has since died and said Thomas Gorsuch and Thomas M Markell, the Trustees named in said Will resigned the said Trust, and Cyrus A Fout and John S. Ramsburg were by order of Your Honorable Court appointed Trustees in the place and stead of said Thomas Gorsuch and Thomas M. Markell, as will appear by the order of Your Honorable Court passed in No. 4779 Equity in Your Honorable Court, a Copy of which is filed herewith marked Exhibit No. 2.

5— That said John S. Ramsburg declined to accept said Trust and Charles J Lewis was appointed Trustee by Your Honorable Court, and by a division of said Trust the said Cyrus A Fout, continued to act as the Trustee for the Interest of said Martha Fout and said Charles J Lewis acted as Trustee for said Fanny Rupley.

6— That said Fanny Rupley has recently died and by the Interest of said William H Ramsburg at the time of his death, in said Real Estate now belongs to the Children of said Fanny Rupley deceased, and who are Ruth P Rupley, William R Rupley, Susan R Rupley, and G. King Rupley, all of whom are infants and all of whom reside at Martinsburg Blair County in the State of Pennsylvania.

7. That Your Orator and the said Wm. H Ramsburg paid the said Notes for which they were security for said Amos Valentine, and although said Sale was finally ratified to them no deed for said Property was executed to them, Yet Your Orator is advised and so Charges that by the ratification of said sale and the payment of the purchase Money the title to said Property at least in equity, rested in them

8 That during the life time of said W. H. Ramsburg he and Your Orator had said Property rented and said W. H. Ramsburg received the rent therefor and after the death of said William H. Ramsburg and during the life time of said Rebecca C Ramsburg, she received the rent therefor, and since her death Your Orator has received what rent has been paid and has paid the taxes and costs of repair, and Your Orator is redy and offers to account for the money by him received.

9. That said Property is of small value and is the source of more annoyance than profit and not being susceptible of division he deems to have the same sold and he believes it would be to the Interest and advantage of all parties Concerned, Infants as well as adults, for said Real Estate to be sold and the proceeds dividing according to the respective Interests of the parties to this suit.

Wherefore Your Orator prays for the following relief—

1st. That said Real Estate may be sold by a Trustee to be appointed by Your Honorable Court to sell the said Real Estate and divide

Exhibit