

No. 6110, Equity.

due them and the said defendants for the balance of the several such legacies given and bequeathed to them respectively by said decedent; and they are advised and therefore charge that it was the intention of the said testator that all of his property both real and personal should be first applied to the payment of the above mentioned legacies, and that after the payment thereof the said Pierre C. Dufau and Thomas Lem Lee should take and receive the remainder and residue thereof under the residuary Clause above referred to.

Eighth: and the said plaintiff further show that as the personal estate of the said Emily L. Wagon decedent, was insufficient to the payment of the legacies in full as hereinbefore set forth, that they are entitled to have the real estate above mentioned sold and the proceeds arising therefrom applied to the payment of the balance due the said legacies under said will but that said plaintiffs are unable to obtain relief at law or against the aforesaid real estate without the aid of this Honorable Court.

To the end therefore, that a decree may be passed for the sale of the above mentioned real estate; that the defendants hereinbefore mentioned may answer all and singular the allegations of this bill, that the real estate above mentioned or so much thereof as may be necessary may be sold and the proceeds arising therefrom applied to the payment of the balance of the legacies due under said will and that your Orators may have such other and further relief as their case may require.

May it please your Honor to grant unto your orators, plaintiffs, the writ of subpoena against the said Emily M. Pennington and William C. Pennington her husband, Robert Goodloe Wagon Pennington, Ophan Pennington, Opha Carroll von Kumpstamm and Anton von Kumpstamm her husband, St. Marys Female Ophan Asylum of the City of Baltimore, a Corporation, The House of the Good Shepherd of the City of Baltimore, Maryland, a Corporation, The Most Rev. James Gibbons, the present Arch-Bishop of Baltimore and his successors in the Archiepiscopal see of Baltimore, according to the discipline and government of the Roman Catholic Church, a Corporation sole, The Little Sisters of the Poor in the City of Baltimore, a Corporation, St. Marys Industrial school for Boys of the City of Baltimore, a Corporation, The Society for the protection of Children from Cruelty and immorality of the City of Baltimore, a Corporation, The Oblate Sisters of Providence of the City of Baltimore, a Corporation, The Board of Managers of the Dolan's Childrens Aid Society a Corporation, The young Catholics Friends Society, a Corporation, The Carmelite Sisters of Baltimore, a Corporation, St. Vincent's de Paul Ophan Asylum of the City of Baltimore, a Corporation; and Pierre C. Dufau, all of the City of Baltimore, Commanding them and each of them to be and appear in this Honorable Court on some certain day to be herein named to answer the premises and to abide by and perform such order or decree as may herein be passed, and also an order of publication giving notice to the said Thomas Lem Lee, a resident of the City of Washington, Mary Ella Montgomery and Montgomery Van Kumpstamm of the State of New York, Raphaela Acosta a resident of the City of Washington of foreign

Decree.