

## No. 8039. Equity.

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That your orator William Remsburg Ripley, infant, by William R. Ripley, his father and next friend, is resident of the city of Chicago, State of Illinois.

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That your Oratrix, Martha M. Fout, is the widow of Cyrus A. Fout and before her marriage unto the said Cyrus A. Fout she was Martha M. Remsburg, daughter of William R. Remsburg, late of Frederick County, Maryland, who died on or about the date June 3rd in the year 1880.

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That the said William R. Remsburg, father of your Oratrix, Martha M. Fout, at the time of his death in last will and testament dated November 4th, in the year 1875, and which was duly admitted to probate in the Orphans Court, for Frederick County, Maryland, on the date of June 28th, 1880, and which last will and testament is found recorded in Liber J. P. P. No. 1, folio 52e, etc. one of the Books for recording of Wills in the office of the Register of Wills for Frederick County, Maryland, a duly Certified Copy of which said last Will and Testament is herewith filed as a part hereof, and marked "Exhibit A"

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That among the provisions of said last will and testament "Exhibit A" said Testator, after creating a trust estate of one half of his estate for the benefit of his daughter Fanny Ripley, published and declared the following:-

"I give, devise and bequeath the remaining half of my estate to Thomas Gorsuch and Thomas M. Marshall, and to the survivor of them, in trust, to pay the annual rents, issues, profits and income thereof to my daughter Martha Remsburg, for and during her life, and for her own, sole, separate and exclusive use and benefit. Her receipt alone to be a sufficient discharge to the said Trustees, or the survivor of them, and from and after her death, to convey, transfer and deliver over to her children then living, and to the issue of any of her children who then may be dead to be divided per stirpes and not per capita; the remaining half of my estate.

And upon the further trust that in case of the death of either of my said daughters without leaving child or children or descendants of a child or children living at her death, then I devise and bequeath her portion to my surviving daughter during life, for her separate and exclusive use and benefit, and

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