PETITION OF VIRGINIA O. JEFFERY AND OTHERS FOR TERMINATION AND EXTINGUISHMENT OF TRUST.

To the Honorable the Judges of said Court.

The petition of Virginia O. Jeffery and Edward T. Jeffery, her husband, Sarah L. Gunn and Walter C. Gunn, her husband, Charles S. Clarke and Wendell B. Clarke, respectfully shows--

First--That Horace W. Clarke, late of frederick County, Maryland, died on or about the first day of November A. D. 1912, after having executed his last will and testament, whixh was duly admitted to probate by the Orphans' Court of Frederick County, a certified copy of which will is filed in the above case marked Exhibit No. 1, and whereas said testator after directing that all just debts and funeral expenses should be first paid, and after giving two bequests of Five thousand dollars each, as in said will provided, did give and bequeath to his nephew, James C. Jeffery (who was also appointed Executor of said will) all right, title and interest in all real and personal property and chattels real, of which said testator should be possessed at his death, to be held in trust for the benefit of the testator's widow, Alice S. Clarke, for the period of her life, should she survivr the testator, or until she marries again, as will more fully appear by reference to said will, Exhibit No. 1.

Second--That the said testator by his said will did further provide, that on the death of said widow, Alice S. Clarke, or in the event she married again, the trust estate before created should terminate and all of said real estatethen held in trust by the trustee shall revert to the said test tor's next of kin, each sharing equally, except that the shares of the testator's brother, W. B. Clarke, shall go to the testator's nephew, said James C. Jeffery, in trust for said W. B. Clarke during his life, and on his death the trust to terminate and the remainded to be divided among the testator's next of kin, as will also fully appear by said Exhibit No. 1.

That the said James C. Jeffery, the executor, accepted the trust of said will, and and duly entered upon the execution thereof, and the said Alice S. Clarke, widow, having renounced the provisions of said will, your petitioners and said James C. Jeffery, executor and trustee, as aforesaid, and said Alice S. Clarke, widow, did upon the 1st day of July A. D. 1913, enter into an amicable agreement under seal for thE distribution of the estate of said Horace W. Clarke, deceased, the terms of which will more fully appear by reference to a copy of said agreement filed in the above case as exhibit No. 2,

Fourth--That upon the 11th day of August, 1913, the said James C. Jeffery as trustee under said will, of Wendell B. Clarke, filed his petition in the above case reporting said agreement and asking its ratification and confirmation by your Honorable Court did pass its order in the above case rarifying and confirming the said agreement so far as said James C. Jeffery, trustee, was connected therewith, and assuming jurisdiction of said trust, all of which will fully appear by said petition and the Court's order thereon and the proceedings in the above case.

Fifth--That the only next of kin of the said Horace W. Clarke were at the time of his death and now are as follows--

Virginia O. Jeffery, a sister, wife of Edwart T. Jeffery.

Sarah L. Gunn, a sister, wife of Wallter C. gunn.

Charles S. Clarke, a brother, and bachelor, and

Wendell B. Clarke, a brother and bachelor.

Sixth--That your petitioners are advised and do allege and charge that by a true construction of said last will and testament of said Horace W. Clarke, deceased, as