

and her heirs, so long as she remains my widow. But on her death, or marriage, my Real & personal Estate is to be sold, to the best advantage, by my executor herein after named, - and the proceeds of such sale divided, amongst, all my Children share & share alike. And lastly the Testator Constituted, and appointed Henry Nixdorff to be his sole executor of his will &c a true, and Certified Copy of said Testament, and last will is hereby exhibited marked exhibit B. which together with all other exhibits, your Petitioners pray may be taken as part of this his Petition your Petitioners further show, unto your Honor That the said Michael Rowe, amongst other things, devised, as follows. That is to say. Thirdly - I give, and Devise, unto my dearly beloved wife, Elizabeth Rowe all my Estate, Real and personal, to her and her heirs, so long as she remains my widow, but on her death, or marriage, my Real and personal Estate, to be sold, to the best advantage, by my executor herein after named, and the proceeds of such sale, divided amongst all my Children, share and share alike And lastly - the Testator Constituted, and appointed Henry Nixdorff, to be his sole, executor of his will &c a true and Certified Copy of said Testament, and last will is hereby exhibited as a part of this Petition marked exhibit B which together with all - other exhibits, your Petitioners pray may be taken as a part of this his Petition your Petitioners further show, unto your Honor - That the said Michael Rowe, the said Testator died, leaving a House and Lot of ground, lying and being situate, in the City of Frederick, fronting on this Street, adjoining the Lots, and Real Estate of William Stahl, and for a full, and particular description of said House and Lot of ground, reference being had, to the title papers, here exhibited marked B No 1 it will fully appear Your Petitioners further state, that the said Henry Nixdorff the executor, named in said will, declined, and refused to accept the trust and file with the Orphans Court his written renunciation, which a true Copy thereof is here exhibited as a part of the paper, marked exhibit B and that there is no one to execute the Trust, and to make sale, of the said House & Lot of ground which now ought to be sold for the benefit of the Children of the said Testator, as directed by said will, for that the said Elizabeth Rowe, the widow of the said Testator is dead, who died the last part of the year, 1853 or the first part of the year 1854. and that your Petitioners, are interested, in the execution of the Trust, and the sales of the said Real Estate, and in the appointment of a Trustee to sell and Convey said Real property. May it please your Honor to order direct & decree, that some suitable person be appointed a Trustee, in the place and stead of the said Henry Nixdorff the executor, named in said last will, and Testament to sell & Convey, the said House, and lot of ground, and Real Estate, for the purposes, specified in said Testament, and last will, and to execute said Trust according to the true intent, and meaning of the act of assembly of the State, passed in 1785. Chapter 72 Section 4 and may it please your Honor, to extend to your Petitioners all other & further relief, in the premises, as the nature of the case may require which in duty bound, your Petitioners will ever pray &c. &c

John Palmer Sells,
For Petors.

Exhibit B No 1 is as follows viz. At the request of Michael Rowe the following deed was recorded 19th March 1793 to wit
This Indenture made this 18th day of October, in the year seventeen hundred and ninety two Between The Honorable Alexander Christie Brandon, Esquire Chancellor, acting on behalf of the State of Maryland - of the one part, and Michael Rowe of Frederick County, in the State of the other part; Witnesseth That whereas at a sale made by the Commissioners for the preservation of

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