

on a part thereof, of which amount the sum of one thousand and three dollars and ninety nine cents was due this last spring and still remains due and unpaid and the balance of said sum of two thousand eight hundred and eighty three dollars and nineteen cents, will not become due until next spring which said balance constitutes the fifth and last payment of said valuation, that your petitioner has obtained from the Orphans Court of said County of Frederick, Letters of Administration upon the personal estate of the said Jasper Kinzer deceased administered the same under the direction of the said Orphans Court, and applied the proceeds thereof to the payments of the debts of the said deceased, and the payment of the appraised value of said real estate remaining due at the death of his intestate and which has since become due, but that the said personal estate of the said deceased was greatly inadequate and insufficient to pay the same, on the contrary the said sums of money remain due and unpaid as aforesaid, all of which will appear by a copy of the account of your orator as administrator as aforesaid, settled with the said Orphans Court herewith filed marked "Exhibit B" And your orator further states that the said Jasper Kinzer deceased, left at the time of his death, a widow Elizabeth Kinzer and the following children and heirs at law, to wit, John David Kinzer, Ann Elizabeth Kinzer and Joshua Newton Kinzer all of whom are still living and all of which said children are infants under the age of twenty one years And your orator further states that he has been informed and believes that the said real estate is liable to be sold for the payment of the said amount of said valuation, and the debts of said deceased remaining due and unpaid by the application of the personal estate as aforesaid But now so it is that your orator is unable to obtain a decree, relief against the aforesaid real estate, without the aid of this Court To the end therefore that the aforesaid real estate or so much thereof as may be necessary for the purpose may be decreed to be sold for the payment of the same amount of the aforesaid valuation and debts as remain unsatisfied by the application of the personal estate as aforesaid and that your orator may have such other and further relief as his case may require May it please your Honor to grant unto your orator the writ of Subpoena against the said Elizabeth Kinzer, John David Kinzer, Ann Elizabeth Kinzer and Joshua Newton Kinzer of Frederick County aforesaid, commanding them to be and appear in this Court on some certain day to be therein named to answer the premises and to abide by and perform such decree as may be passed thereon And as my duty bound &c

Wm. C. Sappington Solr for Complainant

Ex A In the name of God, Amen, I John Kinzer of Frederick County, enjoying good health and sound and disposing mind, desirous of arranging my temporal affairs, make the following as my testament and last will viz  
 First, I direct my executors to pay all my just debts if I have any, and funeral charges as soon as they can.  
 Second To my beloved wife Ann, I devise my mansum farm during her natural life only with the privilege of using or occupying that portion of the mansum house and premises we now occupy, at her decease I respectfully request the justices of the Orphans Court of the County for the time being to appoint three respectable disinterested persons to value or appraise my mansum farm and return a certificate under their hands and seals to my executors who are to file the same in the office of the Register of Wills of said County, and I do hereby give to my son Jasper the privilege of taking said farm at such valuation, if he so elects, within thirty days after the death of his mother, and on his accounting with the Executors for such valuation the said farm containing about 163 acres, shall be the right, property and estate of my said son Jasper his heirs and assigns forever, and if my said son shall not elect to take said farm at such valuation, then I direct my Executors to sell the same at public sale