to release him from the trust and with the assent of complainant & his assignee your petitioner prays this to be taken as his renunciation of his said office and that the Court will appoint some other fit person in his stead and all this being for the convenience of the parties interested he prays that the costs of this petition and all growing out of the same may be thrown upon the Trustee to the court and as in duty bound will ever pray &c

October 11th 1857 — William M Merrick

As Counsel of complainant I accept and assent to the prayer of the petitioner aforesaid

William J Roff Solicitor for Complainant

Petition To rescind Decree

To the Honorable Madison Nelson Circuit Judge of the third Judicial Circuit of the State of Maryland sitting in Equity

The petition of John Sifford and Henry Lowry of Frederick County respectfully sheweth that by decree dated on the seventh day of March 1853 and passed in No 2449 Equity Circuit Court for Frederick County Mr. M. Merrick Esq was appointed Trustee to sell the real estate in said proceedings mentioned that after the date of said decree the same was assigned by Hugh McAlee the complainant in said Bill to your petitioner and that William M Merrick declining to act as trustee and being discharged from his trust Henry Lowry was appointed by a decree passed by your Honorable Court Trustee in his place all of which will appear by reference to the Bill and all proceedings in No 2449 Equity Your petitioner further state that more than three years have elapsed from the date of the decree and that it is necessary to rescind the same your petitioner therefore prays your Honor to pass an order directing a Subpoena Sara facias to issue against the defendant in said cause to rescind said decree in and for such other and further relief as their case may require

1 Bland 546. 4 Gram & Chan 364 — Wm J Roff Solicitor for Petitioner

In the Circuit Court for Frederick County as a Court of Equity in No 2449 Equity

Ordered by the Court this 12 day of December 1857 That a Subpoena sue fac as to rescind the decree in this cause be issued as within prayed

M Nelson

Hugh McAlee vs Philip McGaughran } No 2449 Equity. In the Circuit Court as a Court of Equity.

The Petition of William M Merrick heretofore appointed trustee to sell the real Estate mentioned in these proceedings by a decree passed in this cause and the answer thereto by the Complainants being had and considered. It is this 12 day of December 1857 by Madison Nelson Judge of the third Judicial Circuit of the State of Maryland and by the authority of the Circuit Court for Frederick County as a Court of Equity ordered adjudged and decreed that William M Merrick be discharged from his office as trustee in this cause and that Henry Lowry of Frederick County State of Maryland be and he is hereby appointed trustee in the place of said William M Merrick and be invested with all the power and charged with all the trusts reposed in William M Merrick by the former decree passed in this cause and that before proceeding to act as such substituted trustee he shall file a bond with the clerk of this Court to be executed by himself and one or more sureties to be approved by this Court or the Clerk thereof in the penalty of $2000 conditioned for the faithful —