John D Clemson and John Phillips Executors of his said last Will all of which will appear reference being made to a Certified Copy of the Will of Nicholas Hoy herewith Exhibited marked Exhibit No 3 Your Petitioners further State that Rachel and John D Clemson have both resigned their offices as Executors of said Will as will appear by Certifica Copies of their renunciation herewith Exhibited marked Exhibits No 4 and No 5 Your Petitioners further State that John Phillips the other Executor named in said Will Continued to act as Executor and entered upon the duties of his Office after giving bond which was duly approved by the Orphans Court for Frederick County Your Petitioners further State that the testator Nicholas Hoy died without making said Will and that his widow and devisee for life Continued to occupy the Home farm until her death which house occurred on or about the month of December in the year 1857 Your Petitioners further State that Rachel Hoy and Susan Hoy the only unmarried daughters of said Nicholas Hoy at the date of his said will have married since its Execution and before the death of their mother the said Rachel Hoy that Ephraim Hoy one of the sons of said testator died after his father the said testator and before his mother the said Rachel Hoy leaving a widow named Aschah Hoy and four Children a son named Thaddeus Sobieski Hoy who died since his father, unmarried and without issue and before his grand mother the devisee for life and three daughters Rachel Hoy Marian Hoy are the age of Eighteen Years and a daughter Mary Hoy under the age of 18 Years Your Petitioners further State that John Phillips the acting Executor of the will of said Nicholas Hoy has been removed from his office and duty as Executor of said will by the Orphans Court for said Frederick County as will appear by a certifica Copy of the said order herewith Exhibited marked Exhibit No 6 Your Petitioners further State that the said John Phillips has also resigned his office as Executor of said will and refused and declined to execute said trust as will appear by his renunciation and refusal herewith Exhibited marked Exhibit No 7 In tender Consideration whereof and for as much as your Petitioners are remediless in the premises by the strict rules of the Common