

And the proceeds thereof shall be divided in three equal shares - whereof my daughter Eliza's now children namely Joseph Gabby Dockett & Richard Dockett shall receive one share to be divided equally between them - My daughter Jane's now children namely Mary C. Johnson and Anna C. Johnson shall receive one share to be equally between them and my daughter Emily's now children namely Anna M. McDowell, Joseph G. McDowell, Mark McDowell, Sally McDowell, Charles McDowell & Elizabeth McDowell shall receive one share to be equally divided amongst them. Should my Executor survive my daughter Eliza in such case I order and empower him to make good & sufficient deeds of conveyances to those persons who may become purchasers of my real estate and the said testator further by his said last will and testament constituted and appointed the said daughter Eliza Executrix and Christian Strick Executor thereof all of which will fully and at large appear by reference to said last will & testament - a true and certified copy whereof is herewith filed as Exhibit No 1 which with all other Exhibits your petitioners pray may be taken & considered as part of their petition as if here inserted in words and figures. Your petitioners further state to your Honor that the said Christian Strick one of the executors named in said last will and testament, declined to accept said trust & filed with the Orphans Court his written renunciation thereof under his hand and seal as will fully appear by said renunciation a true & certified copy whereof is herewith filed as Exhibit No 2. Your petitioners further state to your Honor that among other real estate the said Joseph Gabby died seized and possessed of a tract of land containing about thirty six and a half acres lying and being situate in Frederick County, which is particularly described in the deed therefor from William Dwyer & wife to said Joseph Gabby filed herewith as Exhibit No 3 that the said Joseph Gabby Dockett has since departed this life leaving his Father Thomas B. Dockett his only heir at law - that the said Anna C. Johnson has since intermarried with a certain Henry Smith - that the said Anna M. McDowell has since intermarried with your petitioner Leander McKee - that the said Thomas B. Dockett, Anna C. Smith, Mary C. Johnson, Anna M. McKee, Joseph G. McDowell and Mark M. McDowell are adults and all the residue of said devisee are infants under the age of twenty one years. Your petitioners further state that the said Eliza Dockett, the devisee & Executrix in said last will and testament named, has lately departed this life leaving said real estate unsold and your petitioners are informed and advised that by the renunciation of said Christian Strick & the death of said Eliza Dockett under the provisions of said will, the said trust for the sale of said real estate remains unexecuted and that it will be necessary to have a trustee