

No 4818 Equity

prays may be taken as part of this his petition.
 Your Petitioner further states that the said John Bartholow died some time in the early part of the year 1873, and that said testator having failed by his will to appoint Executors, letters of administration with the will annexed was issued by the Orphans Court of Frederick County to Sarah A. Bartholow, and Francis J. Bartholow—who duly entered upon their trust and settled the personal Estate of said testator. That the personal Estate of said testator was not sufficient for the payment of the debts of the decedent, the share of his widow and the legacy to your Petitioner, and that the legacy of Fifteen hundred dollars bequeathed to your Petitioner is still unpaid that said will contains no express power of sale of the real Estate of the testator but the provisions of the will cannot be executed except the real estate of which the testator died seized and possessed be sold—and that there is a power of sale in said will by implication, but the testator has failed to appoint any person to make such sale.
 Your petitioner therefore prays your Honors to pass an order and decree in the premises appointing some suitable person trustee, to make sale of the lands in these proceedings mentioned, and to apply the money arising from such sales to the purposes intended by said will and as in duty &c.

Wm. Ross

Chas. W. Ross

Francis J. Bartholow

Solo for Pet.

State of Maryland Frederick County ss

I hereby certify that on this 7th day of September 1882, before me the Subscriber Clerk of the Circuit Court for Frederick County personally appeared Francis J. Bartholow and made oath in due form of law, that the matters and things stated in the foregoing Petition are true to the best of his knowledge and belief.

Adolphus Trasker Jr.

Filed Sept 8. 1882.

Clerk.

At the request of Jesse Wright & John Bartholow the following Deed was recorded Sept 1848
 1848 Sept 7. Recd one dollar for Stamp duty H. B. Taylor Clk.

This Conanture made this 16th day of August 1848 between Henry McElfresh of Frederick County & State of Maryland of the one part & Jesse Wright & John Bartholow of the County & State aforesaid of the other part witnesses that whereas by a decree of Frederick County Court sitting as a Court of Equity bearing date the 27 day of September 1848 the above named Henry McElfresh was appointed a trustee & authorized & empowered to sell & dispose of certain real estate of which John H. McElfresh late of Frederick County died died seized & the same called Mantz Fatigue lying & being situate in county & State aforesaid all of which will more fully appear from the proceedings in No 2137 on the Equity Docket of Frederick County Court which are hereby referred to & made a part of this instrument of writing that in pursuance of said decree the said Henry McElfresh did on the 18 day of October 1847 sell & dispose of the above named Jesse Wright & John Bartholow parts of a tract of land called Mantz Fatigue situate lying & being in the County & State aforesaid, containing 133¹/₂ acres of land more or less being part of the said tract of land which was conveyed to Francis Mantz by George Burkhart by deed bearing date the 5th day of February 1795 & recorded in Liber H. R. No 13. fol 6 & 5 one of the Land Records of Frederick County at & for the sum of ten dollars seventy five cents per acre making the aggregate sum of one thousand four hundred & thirty seven dollars eighty one cents & one quarter of a cent. And whereas the whole purchase money for the said part of a tract of land called Mantz Fatigue with interest thereon has been fully paid & satisfied & the said Henry McElfresh is authorized by the said decree bearing date the 27 September 1847 to execute a conveyance

Exhibit No 1.

Exhibit