No. 5978 Equity

said land should be appraised by three discreet persons to be selected by his children and that his two Sons should have the privilege of taking said real Estate at said valuation, and that if they should refuse to take said land at the appraisement his daughters should have the same privilege in the order of their age, as will appear by a Certified Copy of the said "Will" filed herewith marked Exhibit No 1.

2. That said Barbara Bachtell wife of the said George Bachtell died in the year 1891.

3. That the children surviving the said George Bachtell were Ann M. Summers wife of John Summers, your petitioner Mary E. Bachtell unmarried, your petitioner Barbara E. Dayhoff the widow of David Dayhoff deceased, David H. Bachtell and Theodore E. Bachtell.

4. That Theodore E. Bachtell died in the year 1882 intestate leaving as his heirs at law his children George Martin Bachtell and Edward Bachtell both infants under the age of twenty one years, and leaving his widow Florence Bachtell also surviving him.

5. That under an agreement signed by the said David H. Bachtell, Ann M. E. Summers, Mary E. Bachtell and Barbara E. Dayhoff, Appraisement of the real estate of the said George Bachtell deceased was made as follows,

First A farm in Washington County Maryland Containing 97 acres and 72 perches known as the home farm of George Bachtell adjoining the lands of David Hoover, Jacob Walt, Daniel G. Baird and Albert Smith and which was Conveyed to the said George Bachtell by Andrew Bachtell and wife by two deeds, one dated May 20. 1839 and recorded in Liber M.M. folio 268 &c and one dated September 5. 1843. and recorded in Liber O.H.W. No 1 folio 521 &c two of the Land Records of said County, at the sum of seventy four dollars per acre making $7211.30 Two

Second a tract of land in said County Containing twelve acres more or less fully described in a deed from H.W. Lydday and others to the said George Bachtell dated January 26, 1867. and recorded in Liber E.B.N. No 1. folio 598 &c one of said records at the sum of Nineteen dollars per acre making $228.00

Third A tract of land in Frederick County Maryland containing thirteen and a quarter Acres and seven perches more or less and fully described in a deed from Isaac Zehr and wife to the said George Bachtell dated October 18th 1850 and recorded in Liber W.B.T. No 13 folio 74 one of the Land Records of Frederick County at seven dollars per acre making $93.05-100/7.

6 That the said David H. Bachtell and Ann M. E. Summers have declined and refused to take the lands at said Appraisements as will appear from the writing signed by them filed herewith as Exhibit No 2" and that the petitioners Barbara E. Dayhoff and Mary E. Bachtell have agreed to take the lands aforesaid at the Valuations aforesaid as appears by the writing signed by them and filed herewith as Exhibit No 3."

That under the provisions of the said will there is no one authorized to Convey the legal title to the same and there being