

No. 4779 Equity

Martha M. Font by
Cyrus A. Font her husband and next friend
on
Petition

In the Circuit Court for Frederick County
sitting as a Court of Equity
To the Honorable the Judges of said Court

The Petition of Martha A. Font by Cyrus A. Font her husband and next friend respectfully shows unto your Honors-

1. That after the appointment of said Cyrus A. Font and one John S. Ramsburg, Trustees in the place and stead of Thomas Gouach and Thomas M. Marshall as by the previous proceedings in this cause, will appear, the said Cyrus A. Font duly filed his Bond as required by said Court's order, and the said John S. Ramsburg declined to accept said Trust.
2. That thereafter, upon petition of the trustees of the trust, Mr. Henry Ruffley, Charles J. Lewis, was appointed Trustee as will appear by the proceedings in the Equity on the Equity Docket of this Court.
3. That said Charles J. Lewis duly filed his Bond as such Trustee, and that since then said Cyrus A. Font and said Charles J. Lewis have been the Trustees in the premises.
4. That there has come into the hands of said Trustees some twelve or fifteen hundred dollars belonging to said trust estate, which has not been invested by reason of the utter inability of the said Trustees to agree upon an investment.
5. That said Trustees bond separately and in fact represent the different interests respectively of the said two cestui que trust.
6. That said sum of money is lying idle drawing no income and by reason of said inability on the part of said Trustees to agree upon an investment is wholly repugnant to the very serious inconvenience and loss of this Petitioner.
7. That as said Trustees have bond separately and in fact as stated above, represent distinct and inharmonious interests, the only mode by which said funds can be made productive to each of said cestui que trust is by an Equal division thereof between said Trustees to the end that each of said Trustees may invest the portion allotted to him, in the manner that may seem most beneficial to his cestui que trust, subject to the supervision of this Court.
8. That the remainder of the trust estate consists of real estate which said Trustees are unable to agree as to his proper management of, one of said Trustees being a practical farmer and the other a merchant.
9. That said real estate is entirely susceptible of partition or division without loss or detriment and that the only mode by which the same can be made available to produce revenue for either of said cestui que trust is by a division thereof, assigning to each Trustee a portion for the benefit of the cestui que trust represented by such Trustee.
10. Your Petitioner prays for the following relief -
 1. That said Charles J. Lewis and said Cyrus A. Font may bring into this Court the said sum of twelve or fifteen hundred dollars cash trust funds in their hands, to be divided Equally by this Court between said Trustees for investment for the uses purposes and trusts set forth in the said last will of William H. Ramsburg deceased.
 2. That said Trustees may be required to divide said real estate into two Equal parts as to value and quantity for the respective uses of said two cestui que trust.