

No. 5387 Equity

the said Latin St Boyer was ordered by this Court on the 9th day of November 1888. Under this last mentioned order, the said Trustees resold said properties at the risk of your petitioner and said Latin St. Boyer at and for the sum of \$4406.50 being a loss of \$705.75, which sale was reported to this Court and duly ratified, for this loss your petitioner and the said Latin St. Boyer are jointly responsible, and will be compelled to pay the same out of their respective shares in said Properties, each being entitled to a One-fifth Interest therein as mentioned in the Bill of Complaint.

2. At the time said sales were made the said Latin St. Boyer, resided on the farm and managed said property for Margaret Boyer, deceased who had a life Estate therein, and was entitled to receive one-half of the crops growing on said farm as a compensation for his services as manager as aforesaid.

3. That by the terms of the first sale it was provided, that the growing crops on said farm subject to the interest of Latin St. Boyer as aforesaid, should go to the purchaser or purchasers of said farm.

4. That after the sale of said farm to your petitioner and the said St. Boyer, the latter harvested and cured the crops growing on said farm; of these crops he was entitled to receive one-half, for his services, the remaining one-half belonging to your petitioner and the said Latin St. Boyer, jointly share, and share alike as purchasers under the terms of sale.

5. That the said Latin St. Boyer sold the crops taken from said farm, and retained for his own use the entire proceeds arising from the sale of said crops and refused and still refuses to account to your petitioner for his share of said proceeds, or to pay to your petitioner share or any part thereof.

6. That the Crops sold by said Latin St. Boyer from said farm were very very valuable and while your petitioner does not know and is unable to ascertain from the said Latin St. Boyer the exact amount of proceeds received by him from said sales, he does know that they aggregated at least eight hundred and fifty Dollars.

7. That your petitioner has a right to have an account of the said proceeds and to receive from the said Latin St. Boyer one-fourth thereof as above stated.

8. That the Bill, and other proceedings in the above case have been referred to the auditor for the statement of an account and a distribution of the Money arising from the sale of the Real Estate in said proceedings mentioned, in which money the said Latin St. Boyer has a one-fifth interest as stated in the bill and your petitioner is advised that he is entitled to have his share of the proceeds from the sale of said crops ascertained, and allowed him by the Auditor, out of the share of said Latin St. Boyer in the proceeds of the sale of the said real estate in the hands of the Trustee. -

Wherefore your petitioner prays your honor to pass an order directing Latin St. Boyer, 1. To answer this Petition. 2. To render to this Court a full and particular account of all of the proceeds received by him from the sales of all of the crops of every kind and nature on the premises mentioned in the petition - 3. That said petitioner and