No. 7247 Equity.

to be used by her and at her discretion for the maintenance and support of herself and her unmarried daughters and in the education of her son Charles A. Pearce,

And I hereby give to my Executor the power and right to dispose of any interest or interests in real estate of which I may die seized. The proceeds thereof to be paid over to Mrs. Emma J. Pearce as above directed."

And the said Warren by said last Will and Testament did appoint William S. Pearce of Lennoxville, Province of Quebec, Canada, Sole Executor, all of which will fully appear by reference to a certified copy of said last will and testament filed.

3rd. That the said Emma J. Pearce, Charles A. Pearce, William S. Pearce, Executor of the last Will of the said Robert W. Warren, deceased, the unknown daughters of Emma J. Pearce and the unknown heirs at law of Robert W. Warren, deceased, are all non residents of the State of Maryland, and so not reside therein.

4th That your complainant, the said Edward S. Wertz, has paid for and on account of the property hereinbefore mentioned, of which he and the said Robert W. Warren, were tenants in common large sums of money at different times and from time to time in settlement of taxes, and other charges, amounting in the aggregate to in and about Twelve hundred dollars, and for no part of which has he ever been re-imbursed by the said Warren or by the owners of said one undivided third, with the exception of about One hundred and fifteen dollars, to which the said Warren is entitled to a credit for.

A proportionate part of which indebtedness should be allowed your complainant out of the proceeds of the sale of the property in this cause.

Your complainant further charges that said real estate is not capable of being partitioned among the parties thereto entitled and that the same can not be divided without great loss and injury and that it would be to the benefit and advantage of all the parties interested, that real estate should be sold by a trustee appointed by your Honorable Court.

Wherefore your Complainant prays for the following relief.

1st That a decree may be passed by your Honorable Court appointing some suitable person trustee and directing him to make sale of said real estate, and that the proceeds of sale after the payment of costs and expenses be distributed to the parties thereto entitled.

2nd. And for such other and further relief as the nature and Equity of his case may require.

And your complainant prays for the following processes.

For an order of publication against the said non-resident defendants, Emma J. Pearce Charles A. Pearce, the unknown daughters of Emma J. Pearce, William S. Pearce, Executor of the Last Will and Testament of Robert W. Warren deceased, and the unknown heirs at law of Robert W. Warren deceased, giving them notice of the substance and object of this Bill and warning them to be and appear in this court in person or by Solicitor on some certain day to answer the premises and show cause, if any they have, why a decree ought not to pass as prayed.

Ross, Reich & Newman
Sols for Com.