

No 8040 Equity.

execute the trusts conferred upon him by the last will of John Shank deceased, relative to the property hereinbefore described, either as surviving executor under said will or as surviving trustee, in said No. 5411, Equity cause, and there is no one legally authorized to execute said trusts, &c. That the land and premises mentioned and described in this Bill of Complaint and Exhibits thereto is not susceptible of division among the parties thereto entitled without loss and injury, and that it would be to the interest and advantage of all the parties having any interest therein, and especially to the said infant defendants, that the said land and premises be sold under a decree of your Honorable Court, and that a trustee be appointed to make said sale, in accordance with the provisions and intentions of the said last will of the said John Shank, deceased, and the proceeds therefrom divided among the parties thereto entitled under the provisions of the said will, To the end, therefore,

- (1) That a decree may be passed by this Court for a partition of said property among the parties entitled thereto, according to their respective interests therein as aforesaid, and that a trustee or trustees may be appointed by this Court for the sale of the said property, and a division of the proceeds among the persons thereto entitled in accordance with the provisions of the said will of John Shank, deceased, and the order of this Court passed and filed as aforesaid in No. 5411, cause on the docket of this Court.
- (2) That your orators may have such other and further relief as their case may require.

May it please your Honor to grant unto your orators the writ of subpoena, directed to the said William H. Shank and Mary Shank, his wife, Lavinia C. Shank, his wife, Lavinia C. Shank, Abraham M. C. Shank, and Etna Shank, his wife, and Annie Shank, widow of George H. Shank, deceased, all adults and residents of Washington County, and Minnie Shank, infants and residents of Washington County, and Jacob Shank, surviving executor of the last will of John Shank, deceased, and surviving trustee, in No. 5411, Equity cause in this Court, an adult and resident of Frederick County, commanding them to be and appear in this Court on some certain day, to be named therein, and answer the premises.