

## No. 8064 Equity

To the Honorable the Judges of Said Court:-  
The petition of Isaiah White and J. Clarence Lane,  
Administrators of Jacob Shaw, deceased, respectfully represents  
unto your Honors:-

1. That they were notified on Saturday evening last, Alexander  
2nd, by the service of a copy of an order of your Honorable  
Court, upon their solicitor Glenn H. Worthington, by the Sheriff  
of Tucker County, that the previous order of your Hon-  
orable Court passed on the same day, suspending the operation  
of the decree in this cause, until further order of this Court,  
had been rescinded, and that the sale was ordered to be  
made clear of the lien of your petitioners, the fund  
to stand in the place of the lands.

2. Your petitioners further represent unto your Honors  
that said order a copy of which was served on the  
solicitor of your petitioners, was passed up and without  
a hearing on the part of your petitioners, and your  
petitioners pray your Honors to rescind said last mentioned  
order and permit your petitioners to show cause why  
the same should not be passed, or that they be per-  
mitted to show cause why the same should be  
rescinded, and your petitioners respectfully and humbly  
submit to your Honors, that such order should  
be rescinded for the following reasons:

(A) Because your petitioners have a lien of  
his fund on said lands decreed to be sold  
that is Senior and Superior to the rights of the  
parties to this cause by reason of the Bill filed  
with exhibits No. 8008 Equity.

(B) That a sale by the trustees already named  
in this cause clear of the rights of your petitioners  
would put the Control of the Sale entirely beyond  
their Control without their Consent and deprive them of  
the rights which belong to them as Senior lienors.

(C) That proceedings in this case are solely for  
the purpose of partition and that the lien of  
your petitioners is an encumbrance on the land  
itself and that the bill to the same ought not to  
be disposed of under a decree to which they are  
not parties and in which they have no voice, or  
Control or direction.

Your petitioners therefore pray your Honors to give your  
petitioners a day in Court so that they may be heard in  
defense of their rights in the premises.

And as in duty, &c.

Alexander Spill

Glenn H. Worthington

Solicitor for Petitioners.