

to the said Virginia Scott MacTavish as one of her heirs and next of kin, passed under the fifteenth clause of the will of the said Virginia Scott MacTavish, and that the said Mary Bergin and Charles Carroll MacTavish are each entitled to one-half of the property so acquired by the said Virginia Scott MacTavish.

23. Virginia Scott MacTavish by her will, appointed Charles J. Bonaparte her executor. The said Charles J. Bonaparte qualified as such executor in the Orphans Court of Baltimore City and carried on the duties of such executor until June 28th 1921 when he departed this life. Thereafter on July 7th 1921, The Safe Deposit and Trust Company of Baltimore was appointed Administrator d.b.n.o.t.s. of Virginia Scott MacTavish by the said Orphans' Court of Baltimore City and has qualified as such administrator, and on or about the 7th day of March, 1922, The Safe Deposit and Trust Company of Baltimore, Administrator d.b.n.o.t.s. as aforesaid, passed its first and final administration account in said Court, in which it distributed the leasehold property of Virginia Scott MacTavish to the parties entitled. Thereafter, in accordance with the order of the Orphans' Court of Baltimore City, The Safe Deposit and Trust Company of Baltimore, Administrator d.b.n.o.t.s., by deed dated March 30, 1922, and recorded among the Land Records of Baltimore City in Liber S.C.L. No. 3850, Folio 333 &c. conveyed an undivided 6/24ths interest in the leasehold properties described in Complainants' Exhibit No. 4, to The Safe Deposit and Trust Company of Baltimore and Mary Bergin, Trustee; an undivided 2/24ths interest therein to Emily MacTavish; an undivided 1/24th interest to Charles Carroll MacTavish; and an undivided 1/24th interest therein to Mary Bergin individually; A certified copy of the said administrator's deed is filed herewith marked "Complainants' Exhibit No. 11" and prayed to be taken as a part hereof.

24. Virginia Scott MacTavish in her will appointed Charles J. Bonaparte and Mary Bergin trustees under each and all respectively of the trust provisions of her said will. The said trustees qualified as such, and in the case entitled Mary Bergin et al. vs. Alfred Jenkins Shriver, in this Court, Docket No. 28 A. 352 above mentioned, jurisdiction over the said trusts was assumed by this Court. Thereafter, upon the death of the said Charles J. Bonaparte, The Safe Deposit and Trust Company was on the 8th day of July 1921 appointed by this Court substitute trustee, -with the said Mary Bergin, in the place and stead of Charles J. Bonaparte deceased, in said cause last above referred to, and the said The Safe Deposit and Trust Company, has qualified as such trustee.

25. Your Complainants are advised that they are entitled to have a partition of the properties aforesaid, described in Complainants' Exhibits Nos. 2, 4, and 5, among the parties entitled thereto, according to the several interests therein as aforesaid; that the said properties are not susceptible of partition in kind without loss or injury to the parties interested therein, and it will be to the interest and advantage of all persons concerned in said properties that the same be sold and the proceeds divided.

TO THE END THEREFORE,

- (1) That a decree may be passed for the sale of the property described in the Complainants' Exhibit Nos. 2, 4, and 5.
- (2) That a Trustee may be appointed by this Honorable Court to make sale of said property.
- (3) That the proceeds of said sale may be distributed to the persons justly entitled to receive the same.
- (4) That your Orators may have such other and further relief as the justice of their case may require.

MAY IT PLEASE YOUR HONOR to grant unto the complainants the writ of subpoena directed to the said Emily MacTavish, the Little Sisters of the Poor in Baltimore City, a corporation, St. Joseph's Passionist Retreat a corporation, and Safe Deposit & Trust Company of Baltimore, a corporation, all of whom are residents of the State of Maryland,