

1 makes the following answer to the exceptions to the ratification of the sale reported by the trustee filed by Lewis Bruner, Jacob Walker and Mary Walker his wife -  
1st. That the said William H. Ransburg was tenant of the particular property sold, and was entitled to the growing crop as stated in the report of the trustee. That he the said William H. Ransburg, as such tenant, did put in the growing crop at his own expense with the assent of all the parties to this cause, they recognizing him as tenant authorized to exercise all the rights of a tenant.

2nd, That the sale must be either set aside or ratified as reported by the trustee; the court not being competent upon exceptions to the ratification of the sale, to go into the inquiry whether he the said William H. Ransburg was tenant and entitled to the growing crop; there being nothing in the bill to show that there was no tenant, and that the growing crop would be done with the law, a growing crop is so material a matter in the saleable value of land, and may belong to others than the owners of the land, that it should, in a case like this, have been mentioned in the bill so that its ownership could have been inquired into, and determined, as there is no allegation in the bill, and consequently nothing in the terms of said proceedings in the decree relative to the growing crop, the trustee was right in receiving the growing crop to the tenant to whom it belonged.

3rd. That if the purchasers bought in the erroneous opinion that they were buying the crop, all the remedy which the court can give them upon these exceptions is to set aside the sale, and order a new sale and this respondent has no objection to the setting aside of said sale and to the passage of an order for the resale of said property.

Shayson Eichelberger  
Saml. Tyler - Geo. J. Nelson  
Sols. for Respondents.

Petition  
of  
Lewis Bruner  
Oral.

1 To the Hon. Madison Nelson Judge of the Circuit Court for Frederick County sitting in Equity. - The petition of Lewis Bruner and Jacob Walker and Mary his wife respectfully states that it will appear from the report of the trustee the memorandum of sale and other papers and proceedings in the cause of Lewis Bruner and others vs. Elias Ransburg and others No 3000 on the docket of your Honorable Court that your petitioners Lewis Bruner and Mary Walker became the purchasers at public sale from John Ransburg trustee in said cause of the farm or parcel of land in said proceedings mentioned containing fifty eight acres two rods and ten perches at the sum of one hundred and forty dollars per acre, and that since said report was made and filed, exceptions have been filed and an answer thereto by William H. Ransburg and not by John Ransburg trustee insinuating the truthfulness of that part of said report which sets forth that said land and sale by said trustee subject to the right of William H. Ransburg, an alleged tenant, to cut and secure the growing crop, and insinuating the right of said William H. Ransburg to said crop. - Your petitioners further state that your petitioners Lewis and Mary insist on their said purchase and claim the full benefit thereof and their right to the said land so purchased, and insist that their said right is not dependant on the determination of the question of the right of the said William H. Ransburg to the said crop, and not connected therewith, and they state that they are ready and willing to pay to said trustee the purchase money and interest, and they bring herewith into your Honorable Court the said purchase money and interest thereon, to wit - the sum of nine thousand forty three dollars twenty one cents (\$9,432.21) and pray that the said trustee may be required to accept the same, and they state that they have tendered the same to the said trustee and that he has refused to accept the same, and they pray the said sale may be ratified by your Honor having, receiving and excepting that clause or portion of said report which states that said trustee sold said land subject to the right of the said William H. Ransburg the alleged tenant to cut

Answer  
of the  
Trustee