No. 7595. Equity.

the Sum of $1000. and if dead, to her children in equal shares. (4) If Julia Stern, daughter of my Deceased Son be living at my death, that said Clara Lowenstein pay to said Julia Stern $1000; (5). To pay to Telle Point Hebrew Congregation Cemetery Company the usual reasonable sum for keeping perpetually in good condition my lot in said Cemetery.

5. That letters testamentary upon said will were issued to said Clara Lowenstein as the Executrix therein named in the year 1890. but no account of her administration has been stated and nothing appears of record purporting to show the satisfaction of any of said legacies charged by said will upon said real estate except release from Julia and Philip Stern, two of the five legatees, and a paper purporting to be a release from a certain Nathan Forchheimer who assumed to act as attorney for Charlotte Forchheimer, a legatee named in said will, under and alleged power of attorney recited in said release, to have been executed in the year 1882; but there is no record of said power of attorney and nothing to show wether or not there was in fact a valid power of attorney from said Charlotte Forchheimer to the said Nathan Forchheimer and wether or not such power of attorney, if executed in 1882, as alleged, was in force and unrevoked eight years latter at the death of said Testator and was in terms sufficient to include in said legacy, and wether said Charlotte Forchheimer was in fact living or dead at the death of said Testator in 1890. or if dead, her children were entitled to said legacy under the provisions of said will, and said power of attorney, if in writing, could have been revoked by the death of said legatee; and there is nothing whatever of record to show the satisfaction of the other legacies by said Will upon said real estate.

6. That by reason of these and other facts your Petitioner is advised and avers that the title to said house and lot reported as sold by said Trustee to your Petitioner is not good and marketable and that your Petitioner ought not to be required to Complete said purchase and that said sale should not to ratified.

7. That your Petitioner, at the time of said purchase which was made at public auction, had no knowledge of the said legacy charges upon said real estate or any other defect in the title thereto