No. 8377. Equity.

as follows "That it would be to the benefit and advantage of all parties Concerned to have said parcels of real estate sold"; and ask the Plaintiff for full proof of said allegation; Your Respondents further answering said 6th. Paragraph of said petition deny that the proceeds arising from said Sale, can either be invested or distributed at your Honorable Court may decree for the following reasons to-wit:- Your Respondents are informed and verily believe that according to the last Will and Testament of the said John Harp and the Codicil attached thereto, which will is filed with the papers in this Cause and Marked Exhibit No. 1. prior to the Plaintiff in the aforesaid Cause, the said Laura Leatherman (formerly Laura Harp) a fee Simple estate on Condition Subsequent, and that Condition Subsequent was the fact of the said Laura Harp dying without issue lawfully begotten, and upon the happening of this said John Harp etc. ++++ who are represented at this time by the Defendants herein. That the former estate of said Defendants in the aforesaid four parcels of real estate is in the Nature of an executory devise it being based upon a fee, and that the parties entitled under the provision of the aforesaid will to said property may be different at the happening of the Contingent. namely, the death of the said Laura Leatherman without issue lawfully begotten, from what they are now; and if the money obtained for said property were distributed at this time, the interests of any person who would be entitled to a share in said property upon the happening of the aforesaid Contingency and who are not parties to this Suit, would not be bound; and further, Section 213. of Article 16 of the Code of Public General Laws of Maryland, which gives your Honorable Court jurisdiction in matters of this Sort, provides only for the Sale of said property on Certain Conditions and the investment of the proceeds, and no authority is given therein for the distribution of the proceeds, therefore, your Honorable Court is without authority in Law to decree a distribution of the proceeds of said Sale until the death of the said Laura Leatherman without issue lawfully begotten.

4th. Your Respondent admit the allegations Contained in paragraph one of said Bill.

5th. Your Respondent further answering said Bill suggest that the words "or distributed" should be stricken from the first prayer set forth in paragraph eight of said Bill, for the reason