

## No. 8602, Equity.

the State of Maryland, and his said wife being a resident of Baltimore, Maryland (e) the following nephews and nieces, children of William Song, a brother (whose whereabouts are unknown and whether or not he be living or dead is unknown, said William Song, and his wife Sarah Song (said Sarah Song being a resident of Frederick County,) being made parties hereto as Defendants), said children being made parties hereto in view of the uncertainty as to William Song aforesaid. viz: Maria Garver and Winfield G. Garver, her husband, residents of Frederick County, Sarinva Furrier, widow of Josiah Furrier, a resident of Frederick County, Lillie S. Song, a resident of Baltimore City, Maryland, John H. Song and — Song, his wife, non-residents of State of Maryland; (f) the following nieces and nephews children of Sarinva the wife of Jacob Furrier, who is dead and who died before Josephus Song, viz: Charles Furrier, Wesley Furrier and Fannie Furrier his wife, and Amanda Furrier, all residents of Frederick County.

(g) the following nephews and nieces, the children of James Song a brother who died before said Josephus Song; viz: Alaria Song, Lillie Roberts and — Roberts, her husband, all non-residents of State of Maryland, and Severniah Pitcher, husband of Malissa Pitcher, a daughter of James Song who died without issue the fact of the existence or non-existence, as well as the whereabouts, of said Severniah Pitcher being unknown.

## 10.

That under the terms of said will of Josephus Song no power of sale for said real estate is conferred upon any one whatsoever; it being expressly provided that said real estate was not to be sold until after the death of said Josephus Song's wife, who is named as Executrix in said will.

## 11.

That inasmuch as no power of sale, either express or implied, is conferred upon said Executrix, manifestly the Orphans' Court had no power to appoint any one to make sale of the real estate, nor did the appointment of an administratrix, d. b. n. c. T. a. confer this right or power of sale upon the administratrix d. b. n. c. T. a.

## 12.

That the personal estate of said Josephus Song being utterly inadequate as aforesaid, to pay and satisfy said specific legacies and bequests, it becomes necessary for the