

## No 8508. Equity.

the result of such apportionment should be accurate in that case, involving as it did the conflicting claims of creditors, than in this.

It is true, as alleged in the fifth additional exception, the amendment to the Bill contains no specific prayer for the sale of parcel 3, and no prayer for general relief; but the original bill does not contain a prayer for general relief and the second prayer of the amendment, among other things, prays for such relief as is prayed by the original bill, which is equivalent of a repetition of prayer for general relief in the amendment.

The fifth original and sixth additional are general exceptions under them the exceptant had objected to the sale of that part of the land sold containing seven acres, three rods and twenty-nine perches, which is marked on the plat Parcel 4, upon the ground that it is not embraced in the decree. If this parcel was conveyed by the deed of which "Exhibit C" is a copy, the trustees had the right to sell. If it was not they did not. To determine this question it is necessary to consider the deed referred to in "Exhibit C" with a copy of that deed before me. I am satisfied that parcel was not conveyed by "Exhibit C", and therefore the trustees had no authority to sell it. The Purchaser will be allowed a ratable abatement on account thereof.

The exceptions will be overruled, except as to that parcel, and the proceedings referred to the Auditor with instructions to state true account.

Edward C. Peter,

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## Decree.

In the Circuit Court for Frederick County.

Marie A. Vollum and husband

vs

Martina Beare and another

} No. 8506, Equity.

This cause standing ready for hearing upon the exceptions of the plaintiff, Marie A. Vollum, to the ratification of the sale to Martina Beare, heretofore reported by the trustees and being submitted, the solicitors for the parties, were heard and the proceedings read and considered.

It is therefore this 18th day of July, A. D. 1911, by the Circuit Court for Frederick County, adjudged, ordered and decreed that said exceptions be and