

NO. 8942 Equity.
 Exceptions to Report of
 Sale.

Filed Feb 14/1913

To the Honorable, the Judges of said Court.
 Rudlyn H. Fryer the purchaser of the property sold in
 the above entitled Cause, by his attorney, Samuel
 A. Lewis, respectfully excepts to the ratification of
 the Sale reported in this Cause, by Emory L.
 Gullett, Charles Mc. Mathias and H. L. Brandenburg
 Trustees, and prays that said Sale may be set
 aside for the following reasons:-

1. Because your Honorable Court has not and
 never had jurisdiction in the premises.
2. That Samuel T. Brandenburg one of the
 Executors under the will of Samuel Brandenburg
 (a copy of which is filed in this case as Exhibit
 G.) was not made a party as such, in this
 case, and that said Samuel T. Brandenburg,
 Executor as aforesaid never consented to the Sale
 of the property, sold in this case, and
 reported in said Report of Sales.

3rd. That the Bill of Complaint filed in
 this case alleges on three executors to the last
 will and testament of Samuel Brandenburg
 deceased, while in fact there were four.

4th. That the will of Samuel Brandenburg,
 deceased testator as aforesaid, granted full
 and ample power to sell the property, sold
 and reported in said Report of Sales hence
 the Court of Equity is without jurisdiction in
 this case and has not and never had the
 power to pass a decree in this matter nor
 has it power to ratify said Report of Sales.

5th and for other good and sufficient reasons
 to be made known hereafter and at the hearing

S. A. Lewis, Solicitor for
 Rudlyn H. Fryer,
 Exceptant.

Opinion by Judge
 Glenn H. Worthington.

Filed Apr 28/1913

Opinion of the Court upon the question raised
 by the exceptions of the purchaser to the ratification of
 the Sale.

Exceptions were filed by the purchaser of the
 property in the above entitled case to the ratification
 of the Sale, on the ground that the allegations of the
 bill of complaint were insufficient to give the Court