

veyance thereof to him; i e to the purchaser.

While the Court is inclined to the opinion that there is an implied power of sale in the Executor derived from the will of the testator, yet it deems it safest, to prevent any possible question that might otherwise arise, to confirm the sales made by the executor, rather than to dismiss the Bill of Complaint. But before passing a final decree it will require the executor to be made a party plaintiff to the proceedings, and the several purchasers named above parties defendant, and an opportunity given them to be heard.

It is thereupon, this 16th day of March A. D. 1915, by the Circuit Court for Frederick County, sitting as a Court of Equity, and by authority thereof, adjudged, ordered and decreed that James M. Sappington, Executor of the last will and testament of Greengerry R. Sappington, late of Frederick County deceased, be made a party plaintiff to these proceedings in his capacity as such executor, and that he file a petition therein setting forth his desire to invoke the aid of this Court in perfecting the sales of the real estate made by him as Executor. All of which said sales appear to have been reported to and ratified by the Orphans Court for Frederick County; the two first mentioned by a report of sales made to said Court on June 17, 1914, and the two last mentioned by a report of sales made to said court on October 29, 1914.

It is further ordered and decreed by the authority aforesaid, that the purchasers of said several lots or parcels of real estate, to wit--Charles B. Sappington, the purchaser of the farm; Francis R. Sappington and Charles B. Sappington, the purchasers of the timber lot; Jacob Nusbaum, the purchaser of the house and lot; and John N. Fogle, the purchaser of the two vacant lots, as stated in said report of sales, be made parties defendant in said proceedings and be given an opportunity to be heard before a final decree in the case be passed.

Glenn H. Worthington.

PETITION OF JAMES M. SAPPINGTON_ EXECUTOR OF GREENBERRY R. SAPPINGTON_ DECEASED.

The petition of James M. Sappington, Executor of the last will and testament of Greenberry R. Sappington, deceased, respectfully represents unto Your Honors--

@st. That on the %th day of JANuary 1915, the Bill of Complaint was filed in this cause by Nannie E. Whitehill, et. al., against Nellie Sappington, et. al., for the sale of certain real estate, of which the said Greenberrh R. Sappington, died, seized and possessed; that the defendants in proper person or by guardian ad litem, filed their answers to the Bill of Complaint and the case was referred to one of the regular examiners to take testimony to support the allegations of the Bill; that the testimony returned by the Examiner in this cause shows, and your petitioner alleges that all of the real estate, for the sale of which the Bill of Complaint was filed, was actually sold by your petitioner, as executor of the late Greenberry R. Sappington, under a supposed authority derived from the will of the said Greenberry R. Sappington, deceased; that your petitioner obtained an order of the Orphans Court for Frederick County, dated March 31st, 1914, authorizing him to make sale of said real estate; that in pursuance of said order your petitioner advertised and sold the property described in exhibit No. 2, consisting of a farm of two hundred and two acres, more or less, in Frederick County, Maryland, on the 13th day of June A. D., 1914, at public sale, to Charles B. Sappington, he being the highest bidder at and for the sum of Thirteen thousand one hundred and thirty dollars, and on the same day your petitioner sold the property described in Exhibit No. 3, consisting of a tract of twelve acres, more or less, of woodland, situated in Frederick County, Maryland, at public sale, to Francis R. and Charles B. Sappington, jointly, they being the highest bidders, at and for the sum of \$245.63; that both of said sales were reported by your petitioner to the Orphans' Court for Frederick County, on the 17th day of June, 1914, that an order nisi on sales was duly published, and said sales were finally ratified by said Court on the 13th day of July, 1914; that your petitioner sold the property described in Exhibit No. 4, consisting of a house and lot, situated in Union Bridge, in Carroll County, Maryland, on the 22nd day of October 1914, at public sale, to Jacob Nusbaum, he being the highest bidder for the sum of Eight Hundred and sixty seven dollars, and on the same day your petitioner sold the property described in