

No. 10259 Equity,

 TO THE HONORABLE, THE JUDGES OF SAID COURT,

The Petition of Henrietta R. Davis complainant, in the above Cause, respectfully represents,

That the pleadings are at issue, in the above cause, and the parties desire to take testimony to support the allegations of their Bill of Complaint,

That instead of taking the testimony before an Examiner your petitioners desires the testimony orally in open court before the Judge thereof,

H. K. DeLauter
 Solicitor for Complainant,

Courts Order

Ordered this 29th day of March 1921, by the Circuit Court for Frederick County, sitting in Equity, that the testimony may be taken in the above cause, be taken orally, in open Court before the Judge on the date at the Hour of 11-o' clock A.M,

Glenn H. Worthington,

 Opinion and Courts Order overruling
 Exceptions and Demurrer, and finally ratifying
 the sale reported on January 20th, 1921,

Henrietta R. Davis, and Samuel E. Davis,	o	In the Circuit Court for Frederick
	o	County, In Equity,
Vs,		
	o	
John J. Davis, et al.,	o	

 Opinion and Order of Court,

Exceptions were filed to the ratification of the sale reported in above entitled cause on January 20th, 1921, and the grounds upon which the ratification is asked to be rejected, are.

- 1- That the property sold for a grossly inadequate price,
- 2- that there was no sum due Mrs Henrietta R. Davis, or Samuel E. Davis, either individually or as Executors, of the last will and testament of Alfred W. Davis, deceased,
- 3 that there was no overpayment, of said estate by Mrs Davis
- 4 That Mrs Davis as life-tenant on the premises sold and committed waste thereon,
- 5, That there was a trust fund of \$1200.00 a Charge on the land for the benefit of certain heirs, of Alfred W. Davis, deceased,

First- As to the first exceptions or first ground of Exceptions the proof shows that the exceptants were present at the sale, knew the bids being offered and when the auctioneer gave due Notice that he was about to knock the property down to the highest bidders they made no protest, in any way,

I am of the opinion that this ground was not sustained by the evidence,

SECOND, As to the second Ground, I am persuaded that no sum due the Plaintiffs or either of them in any capacity was established and the Bill cannot be sustained therefore as creditors Bill but there was also the allegations in the Bill that the property should be sold, and the proceeds invested under Article 16- Sec. 228, of the Code and that allegations sustains the jurisdiction of the Court, while the evidence supported the allegations in that regard,

Third, The Answer to the Second ground answers the third, also,

Fourth;- Waste was not proven,

Fifth The trust fund was not established, by the evidence, and avers if so, the existence of such a fund could arise to dispose of more property upon exceptions to the Audit, I am of Opinion therefore that exceptions to the ratification of the sale must be overruled, and the sale ratified,

It is thereupon this 25th day of April 1921, by the Circuit Court for Frederick County, sitting as A Court of Equity, and by the authority thereof, adjudged ordered that the sale of the real Estate, mentioned in these proceedings and Decreed to be sold by Decree of this Court dated December 24th, 1920, and a report of such sale made to this Court on January 20, 1921 be and the same is hereby finally ratified and confirmed, no other objections or exceptions thereto

That--- Already referred to having been filed and that exceptions on all the several grounds thereof is hereby overruled, due notice having been given by publication as required by the order Nisi annexed to the report of sale as shown by the printers certificate filed herewith, and the papers are hereby referred to the auditor to state an account. Glenn H. Worthington