res now in or on said premises shall pass under said agreement of sale to the said purchasers; and the said purchasers,upon the confirmation of said contract by your Honorable Court and the payment of the whole of the purchase money,to be entitled to a conveyance of said property by a good and sufficient deed,conveying a good and marketable title,free,clear and discharged of all liens and encumbrances; said written agreement being herewith filed as "Exhibit C."

4th. That the said real estate cannot be divided without loss or injury to the parties interested.

5th. That it would be to the interest and advantage,both of said infant and of the other persons interested in said real estate,to have said contract confirmed by your Honorable Court,and to have said real estate,upon the payment of the whole of the purchase money aforesaid,conveyed to said purchasers,or to such person or persons as they may designate,by such person or persons as the Court may appoint for the purpose.

WHEREFORE, Your petitioners pray your Honorable Court to ratify and confirm the aforesaid contract of sale and to appoint some person or persons to convey said real estate to the purchasers thereof,upon the payment of the purchase money aforesaid.

And for such further or other repief as the nature and equity of the case may require. And as in duty,etc.

(Filed October 6,1925)

John S.Newman
Parsons Newman
Solicitor for Petitioners.

(E X H I B I T "A")

I, William H.Hersperger,of Frederick County,State of Maryland,do hereby make,ordain, publish and declare this as and for my last Will and Testament,in manner and form following,to-wit;- After the payment of all my just debts and funeral expenses,I give, devise and bequeath all of my estate,real,personal and mixed,wherever the same may be situate,and whether in possession or expectancy,unto my belived wife,Mary E.Hersperger for and during the term of her natural life,and at her death,to my daughter Lillian Anderson Hersperger and my son,William Grafton Hersperger,to be equally divided between them,share and share alike; and I do authorize and empower my said wife to make ad advancement to either or both of our said children,after they respectively arrive at the age of twenty-one years,if she deems it to be for the best interests and welfare of said child or children so to dd,leaving it entirely to the discretion ofmmy said wife,whether any such advantements shall be made,and if so,to what amount,as I have full confidence in her judgment,and believe that she will in this rrespect do only what she deems to be for the welfare of our children; any such advances made during the lifetime of my said wife to either of our said children,to be deducted from what he or she would otherwise receive in possession at the death of my wife; so that each of our said children shall have received,after the final division,an equal portion of my estate In the event my said wife dies before our son William Grafton Hersperger reaches the age of twenty-one years, I do hereby constitute and appoint our daughter,Lillien Anderson Hersperger,to be testamentary guardian of said William Grafton Hersperger,and to have charge and management of his estate until he reaches said age. And lastly,I do hereby constitute and appoint my said wife Mary E.Hersperger,to be executrix of this my last will and testament,hereby revoking and annulling all former will by me at any time heretofore made. And I do hereby request that she shall be excused from the necessity of giving bond for the faithful performance of her trust,as I have every confidence in the integrity and judgment of my said wife.