the title which the administrators and trustees propose by their sale, ratified and confirmed by the Court, to transfer to him, is advised that from the face of the record as contained in the cause, and from other records hereinafter referred to it is exceedingly doubtful whether or not they, the administrators and trustees, can even by the aid and direction of the Court, as the records now are, make and transfer such title to the property as he is entitled to receive.

And to the end, therefore, that this question of title and the authority of the Court to ratify and confirm the sale as thus reported, may be judicially inquired into and considered, your petitioner prays your Honor to withhold the final ratification of the sale until the matter of objection thereto, as presented by this petition, can be heard and determined by the Court.

Third. Inasmuch as the record, as involved in the many questions heretofore in controversy in this cause, is exceedingly voluminous - the same being made up of no fewer than one hundred and seventy-six separate papers - your petitioners, intending to facilitate inquiry into the questions presented by his exception to the ratification of the sale, states, as matters disclosed by the record in this case and by other records, the following facts:

(a.) That John Eschbach died leaving a large estate, (real personal and mixed,) and a last will and testament disposing of the same, wherein he directed his executors therein named to pay his just debts, and then gave his executors or any administrators of his estate the authority to sell to such an extent as may be necessary to pay his debts, such parts of his estate (real or personal) as they might deem necessary. Vide the will as contained in complainants' exhibit filed

herein on the 3rd day of December, 1881.)

(b.) That the executors named in the will having renounced their right to letters testamentary thereunder, letters of administration cum testamento annexo were by the Orphans' Court of Baltimore City issued to the said Elizabeth H. Collins and Richard Bernard.

(c.) That certain persons named in the will as trustees to execute the trusts therein established, having declined to act and accept the trusteeship, certain of the beneficiaries under the will, on the 27th day of September, 1881, filed their petition in this Honorable Court whereon the Court passed an order appointing the said Elizabeth H. Collins and Richard Bernard trustees to take charge and manage the real estate of the testator, to the extent of collecting the rents thereof, paying the taxes and water-rents thereon, keeping the same insured from loss by fire, and to make all necessary repairs thereof; provided, however, that the trustees exercise no further power over the said real estate without the further orders of Court. (Vide a copy of the Court's order herewith filed as part hereof, marked Exhibit X.")

(d.) That on the 3rd day of December, 1881, the bill in this cause was filed by the trustees named in the decree of September, 1881, for the purpose of obtaining a judicial construction of the will, for settlement of the trust estate, and for other purposes set forth in the bill, to which reference is made.

(e.) That of the estate of the said testator at the time of his death, was a leasehold interest in a lot of ground at the northest corner of Saratoga and Howard streets, subject to the payment of the annual rent of two hundred and ten dollars.