April Term, 1891.

Attys. for Trustees.
S. J. Harman,
Atty. for Exceptant.

Petition of Moses Fox.
(Filed Aug. 28, 1890.)

In the Matter of the Trust Estate of Franklin P. Goodwin.	In the Circuit Court for Carroll County.

To the Honorable J. A. C. Bond,
Judge of said Court:

The petition of Moses Fox respectfully represents, that on the 28th day of November, 1889, he purchased the property mentioned in the trustee's report of sale, filed January 24th, 1890, in this case; that on the 24th day of February, 1890, he filed exceptions to the ratification of said sale for the reasons set forth in said exceptions, which exceptions were set for hearing the 5th day of May, 1890, and that before the hearing on said day, he filed additional exceptions to the ratification of said sale, because the trustees were unable at that time to convey to him a title free from the liens and incumbrances mentioned in said exceptions, which exceptions were argued by the respective counsel and held sub curia by the Court.

Your petitioner is informed that the said trustees now ask for a ratification of the sale, because since the hearing of said exceptions they have secured the assent of the holders of the judgments and mortgages mentioned in said exceptions to the sale made and reported by them, but inasmuch as the said property

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ought not to have been sold without the consent of the said parties before the sale, or their assent within a reasonable time thereafter, that your petitioner has not been in possession of said property and unable to collect any income thereout on account of the doubt existing as to the title; that during the interval he lost the purchaser of said property for whom he purchased it. That to ratify the title at this late day would seriously prejudice him.

Your petitioner prays the Court to rescind the sale and relieve him of said purchase.

And as in duty, &c.

Moses Fox.

Samuel J. Harman,
Solicitor for Petitioner.

State of Maryland,
City of Baltimore, Sct.

I hereby certify that on this 26th day of August, in the year eighteen hundred and ninety, before me, the subscriber, a Justice of the Peace of the State of Maryland, in and for the City of Baltimore aforesaid, personally appeared Moses Fox, and made oath in due form of law that the matters and facts set forth in the foregoing petition are true to the best of his knowledge, information and belief.

John J. Grindall, J. P.

Opinion of Court.
(Filed Sept. 15th, 1889.)