



authorize and empower them to sell all his real estate in these words, to wit: - "I direct, authorize and empower my said executor to dispose of and sell at public or private sale for cash or on credit and for the best price that can be reasonably got all my real and personal estate whatsoever and wheresoever, and I do hereby empower my said executor to make and execute all necessary deeds and other assurances in the law to the purchaser or purchasers thereof, in fee simple or for any lesser estate, without any liability on the part of such purchaser or purchasers to see to the application of the purchase money."

That the said Thomas G. Rutherford, one of the heirs at law of said John Rutherford, Senior, deceased, died on the 29th day of November, A.D. 1866, having previously made his Last Will and Testament, in writing dated the 24th day of December, A.D. 1864, to which he added and published two separate codicils the one dated the 28th day of February, A.D. 1865, the other and last one executed on the 14th day of September, A.D. 1866, all duly registered in the Office of the Register of Wills for the City and County of Philadelphia, in Will Book No. 59, page 49, and wherein he did appoint James Rutherford (one of your petitioners) sole executor of that his Last Will and Testament, and did authorize and empower his said executor to sell all of his real estate in these words, to wit: - "I do hereby authorize and empower my said executor to dispose of and sell at public or private sale, for cash or on credit, and for the best prices that can be got therefor all my real and personal estate whatsoever and wheresoever, and I hereby empower my said executor to make and execute all necessary deeds and other assurances in the law to the purchaser or purchasers thereof, in fee simple or for any lesser estate, without any liability on the part of such purchaser or purchasers to see to the application of the purchase money."

That the said lot or piece of ground above described with the messuages or tenements thereon erected, is,