GASES ADJUDGED

## IN THE

SUPREME COURT OF TH E REPUBLI C OF LIBERIA

# MARCH TERM, 1962.

JACOB C. TETTEH, Appellant, c. MARTHA

STU BBLEFIELD, Appellee.

APPEAL FROM TH E MO NT HLY AND PROBATE COURT OF MONTSERRADO COU NTY.

## Argued April 14, 1962. Decided June 1, 1962.

1. A trial court cannot properly pass upon issues not raised in the pleadings.
2. A grantee of real property under an executrix's deed has a duty to examine into the executrix’s right to execute such a conveyance.

5. In the administration of a decedent estate, a sale of real property by the executrix is void if not duly authorized by the probate court.

Appel lee, as legatee under a will, filed objections to the probation of a deed whereby the executrix sought to con- vey real property of the testator to appellant. The pro- bate court’s ruling that the deed was void as a matter of law was *affrmed.*

*William N.* ff\*tf6erJ§oori for appellant. *Lawrence A. Morgan* for appellee.

MR. JUSTICE ARDSWORTH delivered the opinion of

the Court.

Appellee in the above-entitled cause of action, one of