

No. 7807. Equity.

of the said grandson Columbus O'Donnell, said property should become the property of any child or children the said grandson Columbus should leave living at his death etc., but in case the said grandson, Columbus O'Donnell, should die without leaving child or children, or descendants, living at the time of his death etc., then said Country Place Mount O'Donnell to be held by said Trustees and their successor, for use and benefit of testator's three grandchildren, viz - Courtney O'Donnell, Oliver O'Donnell, and Eleanor O'Donnell, (now Eleanor Hixkley.), their heirs and assigns forever, as tenants in common, share and share alike, their heirs and assigns forever and in further trust that in the event of the decease of any one of any three grand children, above named, under twenty one year of age, and without leaving issue at the time of their respective deaths the part or share of the one so dying shall go to and become the property of the survivor etc., and the heirs and assigns of such survivor or survivors forever.

And the said Will further provides that in the event of the death of all three of the testator's grand children under twenty one year of age and without issue living at the time of their respective deaths then the property mentioned in this article of his will shall become the property and estate of all the other children of the testator, then living, and the descendants then living of such of them as are dead, etc., if one to take all if more, to take stirpes, and not per capita.

Third

Your Orator and Orators further state that said trustees accepted the trust and entered upon the performance thereof, and that thereafter, under the order of the Circuit Court for Baltimore City, such Successor Changes have been brought about in the personal of said trusteeship that the present trustees, the Petitioners Charles O'Donnell Lee, John Redwood and Francis B Smith have, by the order of said Court, been substituted in the place of the original and substituted trustees, and succeed in full to the office title, and exercise of the powers of the original trustees, in said Will respecting the trust created by said Article Second.

Fourth:-

That the said Columbus O'Donnell, the grand son of the testator died, without leaving issue, and unmarried on May 29, 1903.

Fifth:-

That the said Oliver O'Donnell died without leaving issue and unmarried on the 13th of November, a. d., 1901

Sixth:-

That said Louis Courtney O'Donnell, died intestate, on May 27th A. D. 1885, over the age of twenty

Seven

Eight

Nine