

## NO 8508. Equity.

By a deed dated the twenty-eighth day of September 1894, of which "Exhibit A" is a copy, the daughter of James H. Beall conveyed to their mother all of their interest in parcel 1. Mrs. Josephine R. Beall died leaving a will by which she devised the residue of her estate, which included such interest as she had in parcels 1. and 2. the Union Trust Company of the District of Columbia in trust, in substance, to sell the same and pay over one half of the net proceeds of sale to her daughter Martina, and after paying from the other half certain notes drawn by the testatrix in favor of Martina Beall to pay the balance over to Marie A. Vollem, with power to rent the trust estate pending a sale thereof and to pay over one half of the net rentals to Martina Beall and to apply the remainder thereof to the liquidation of said notes. Subsequent to the death of Mrs. Beall the original bill was filed in this cause by Marie A. Vollem and her husband against Martina Beall and the Trust Company to have the deed from Mrs. Vollem and Miss Beall to Mrs. Beall declared to have been made to her in trust to sell the lands thereby conveyed, the proceeds of sale to be invested for her benefit during her life and at her death to be divided equally between her daughters. Subsequently, by leave of the Court, this Bill was enlarged by an amendment so as to make it in addition to its original object a granting also to sell parcels 2 and 3 for purposes of partition on the thirtieth day of June, 1910, an agreement, signed by the Solicitors of the parties was filed in which it was agreed the Court should pass a decree for the sale of all of the property mentioned in the proceedings one-half of the net proceeds to be divided from the sale of parcels 1. and 3. less eight hundred dollars, to be paid to Marie A. Vollem, and the other half, plus eight hundred dollars, to be paid to Martina Beall, and the net proceeds to be derived from the sale of parcel 2 to be distributed in equal portions among Mrs. Vollem, Miss Beall and the Trust Company as trustees under the will of Josephine R. Beall.

Acting upon this agreement on the thirtieth day of June, 1910, the Court passed a decree for the sale of all of the land mentioned in the proceedings, the money arising from the sale to be disposed of by the Court according to the terms of the agreement.

In pursuance of this decree the trustees named therein on the first day of September, 1910 exposed all of the land decreed to be sold for