

benefit so long as she should live, and from and immediately after her death the said testator gave, devised and bequeathed his said property to his four children, Maria Mayo Mactavish, Emily Mactavish, Charles Carroll Mactavish and Virginia Scott Mactavish, share and share alike if they should survive their mother.

8. The last mentioned will also empowered Marcella Mactavish, Trustee, with the advice and consent of certain persons therein mentioned, so long as she remained unmarried, to change the investment of his estate and the reinvestment and charges thereof from time to time, and to execute all needful deeds, leases, and other instruments of writing.

9. The said Marcella Mactavish remained the widow of Charles Carroll Mactavish until her death, and died on or about the 14th day of February 1909, and at the time the four children above mentioned of Charles Carroll Mactavish were all alive.

10. Prior to the death of Marcella Mactavish and while she was trustee of the residuary estate of Charles Carroll Mactavish as aforesaid, she, the said trustee, acquired as a reinvestment of part of the corpus of the said trust estate, two parcels of leasehold property in Baltimore City, which were by appropriate assignment recorded in Baltimore City duly conveyed to the said Marcella Mactavish, Trustee. A description of said two parcels together with their title references, is contained in a paper filed herewith and prayed to be taken as a part hereof marked "Complainant's Exhibit No. 4".

11. Said Marcella Mactavish, Trustee, as aforesaid, also acquired as a reinvestment of part of the corpus of the same estate in the year 1908, two annual fee simple reversions as the right to collect two rents of \$36.00 each per annum issuing out of property now known as 3020 and 3022 Stafford Street. Subsequently, in the year 1914, after the death of Marcella Mactavish, Trustee, the rents so acquired were not paid, and the parties in whom the residue estate of the said Charles Carroll Mactavish was then vested instituted ejectment proceedings and took possession of the said two parcels of fee simple property. A description of said two parcels, together with the title reference to the ejectment proceedings, is contained in a paper filed herewith and prayed to be taken as a part hereof marked "Complainants' Exhibit No. 5".

12. Emily Mactavish, one of the children of Charles Carroll Mactavish, prior to the death of Marcella Mactavish Trustee, by deed dated October 6, 1883, and recorded among the Land Records of Baltimore City in Liber R.T.A. No. 981, folio 27, conveyed unto her sisters Maria Mayo Mactavish and Virginia Scott Mactavish, and her brother Charles Carroll Mactavish as tenants in common in fee simple, all the estate and property real, personal and mixed in the State of Maryland devised or bequeathed to or in trust for her the said Emily Mactavish by her father, a certified copy of which deed is filed herewith and prayed to be taken as a part hereof marked "Complainants' Exhibit No. 6".

13. Maria Mayo Mactavish above mentioned, departed this life on or about the 17th day of April 1917, leaving a last will and testament duly executed to pass title to real and personal property in this State, which will has been admitted to probate in the Orphans' Court of Baltimore City, and is recorded in the office of the Register of Wills of Baltimore City in Liber H.W.J. No. 131, Folio 540, a certified copy of which will is filed herewith and prayed to be taken as a part of this complaint marked "Complainant' Exhibit No. 7".

14. By the terms of the said Will of Maria Mayo Mactavish all of her estate and property in the State of Maryland, Virginia and West Virginia was devised and bequeathed to Esther Steugers, Maria Wemaer and Anna Gysels or survivors or survivor thereof, and at the time of the death of the said Maria Mayo Mactavish, the said Esther Steugers was not alive, leaving the defendants Maria Wemaer and Anna Gysels as the surviving legatees and devisees under the will of Maria Mayo Mactavish.

15. The said will expressly excepted the property and estate devised or bequeathed to or in trust to the said Maria Mayo Mactavish by her late father Charles Carroll Mactavish