

The above entitled cause having been duly set for hearing and being at issue, and having been heard upon testimony taken in open Court, in accordance with the Rules of Court in each Case made and provided, and argued by counsel and submitted to the Court, the bill exhibits, answers, general replication, depositions of witnesses, and all the other papers and proceedings in the cause by the Court carefully read and considered; and foresomuch as it appears to the Court that the Plaintiffs in the cause, to wit, Mary Bergin individually, and Mary Bergin and Charles J. Bonaparte, Trustees appointed by the Last Will and Testament of Virginia Scott Mactavish, deceased, and Charles J. Bonaparte executor of the Last Will and Testament, are entitled to relief in the premises in the manner and form and to the extent hereinafter set forth;

Now, therefore, it is by the Circuit Court No. 2 of Baltimore City and the authority thereof, this 29th day of March 1920 adjudges, ordered and decreed as follows, to wit;

(1) That the Trust imposed upon the Defendant Alfred Jenkins Shriver, Trustee under the deed from Virginia Scott Mactavish and others, whereof a duly certified copy is filed in said cause as Plaintiff's Exhibit D, terminated, in so far as the estate of Virginia Scott Mactavish is concerned therein, upon the death of the said Virginia, and thereafter the party or parties entitled to the same under and by virtue of her Last Will and Testament because a tenant or tenants in common of the legal estate therein with the Trustee under the deed lastly aforesaid, as holder of the legal estate in the undivided shares of the said property wherein the equitable estate belongs to the parties as to whom the said trust has not terminated.

(2) That by virtue of such tenance in common, the Plaintiffs, Mary Bergin and Charles J. Bonaparte, as Trustees under the Last Will and Testament of Virginia Scott Mactavish, deceased, and Charles J. Bonaparte, as executor of the said last mentioned Will and Testament, and in view of the powers conferred upon him by the 18th, clause or paragraph of the said Last Will and Testament, are entitled to have the share of the said Virginia Scott Mactavish, deceased, in the property aforesaid segregated and turned over to them for administration in the discharge of their respective duties, as required by the terms of the said will.

(3) That, in view of the premises and the fact that the said undivided trust estate has been heretofore brought into this Court by the said Alfred Jenkins Shriver, Trustee, by virtue of the Bill of Complaint filed by him on May 21st, 1918, and docketed on docket 27 A. folio 80, it is hereby ordered and decreed that the said Defendant Alfred Jenkins Shriver, Trustee, report to the Court as soon as may be practicable a suitable method, in his judgment for the prompt, convenient and inexpensive segregation of the said portion of the trust property aforesaid, so as above decreed to be set apart and turned over to the executor, and thereafter to the Trustees under the Will of the said Virginia Scott Mactavish, so that the said segregation of the part of the trust estate aforesaid so decreed, to be turned over to those entitled under the 12th article of the Will of Virginia Scott Mactavish may be accomplished as speedily and with as little inconvenience or expense as may be practicable, and it is hereby expressly provided that the decree heretofore passed in the suit so instituted by the said Alfred Jenkins Shriver, Trustee, in so far as the same authorized him to sell at public or private sale in his discretion unimproved real estate belonging to the said trust estate, is not to be considered as revoked, rescinded or annulled by anything in this decree contained.

(4) And it is further adjudged ordered and decreed as aforesaid that the property and estate heretofore conveyed to the said testatrix, Virginia Scott Mactavish, by her sister Emily Caton Mactavish, known in religion as Sister Mary Agnes, by the deed, whereof a duly certified copy is filed in this cause, marked Plaintiff's Exhibit G, passes under the 14th and not under 13th, clause of the Last Will and Testament of the said Virginia Scott