

Bauers, Henry A. Bauers, and John D. Bauers, the four supposed children of the testator's sister, — Bauers, of Bremen, who never did in fact exist, by reason whereof the legacies so given to them, are void, and have become a part of the said residuary legacy. And the auditor is hereby directed to state the account in relation thereto; and also an account of the sums now due, if any, to each one of the existing specific legatees; and of the sum due, if any, to the residuary legatee, after deducting therefrom the principal and interest of the debt due to Joseph Sumwalt and John McFarren. The said several accounts to be stated by the auditor from the proceedings and proofs now in the case, and from such other proofs as may be laid before him. And the parties are hereby authorized to take testimony in relation to the said several matters of account, before the commissioners in the City of Baltimore, or before any justice of the peace, on giving three days' notice as usual; provided, that the said testimony be taken and filed in the Chancery office, on or before the third day of August next.

And it is further Decreed, that the whole of the said residuary legacy, after deducting therefrom the claim of Sumwalt and McFarren, be invested and settled in trust, so that the annual rents and profits, interest and dividends, be paid from time to time, and not by way of anticipation, to the said Anna G. M. Helms, to her sole and separate use, during her life, and apart from her husband, Lewis Helms. And if she dies in the life-time of the said Lewis Helms, then the whole to go according to her appointment by will; and in case she makes no such appointment, then the whole to go **585** to her child, children or next of kin, * who, by the law of this State are capable of taking as such from the mother. And if the said Anna G. M. Helms should survive her husband, Lewis Helms then the whole of the said residuary legacy to vest in her, absolutely free and discharged from the said trust and settlement.

And it is further decreed, that the said petition of Mordecai L. Flagler, be, and the same is hereby dismissed with costs, to be taxed by the register.

Under this decree, the case went before the auditor; the parties took testimony, and various proceedings were had. Helms and wife expressed their assent to this decree in substance, as it stood; but prayed to have it so modified as to give her a greater control over the property than was allowed to her during her coverture; which the Chancellor refused to grant. After which, Anna and her son Wandelohr, applied to have a part of the sum directed to be settled on her, invested in real estate in Pennsylvania. In reply to which the Chancellor said, it was very clear, that no investment could be ordered or allowed to be made beyond the jurisdiction of the Court. The case was then referred to a special auditor who made a report accordingly. After which Anna G.