

[On the 4th December, 1850, the complainant filed his bill of complaint in this case, against the defendant O'Neill and others, stating in substance, that by deed dated 17th April, 1843, Catharine Drake conveyed to complainant certain real estate in that deed described, and all other her property in trust for her use during her life, with absolute power in any manner, and free from the control of any future husband, to dispose of said property, and in the event of a failure on her part to exercise said power, then for the use of complainant and his heirs. That by deed dated 27th February, 1848, the said Catharine Drake had mortgaged parcel of the property conveyed in trust as aforesaid, to the complainant to secure payment of the sum of \$448 71, with interest due from her to him, which debt remains unpaid. That after the execution and enrolment of said deed of trust, the said Catharine Drake intermarried with the said O'Neill, and afterwards on the 28th August, 1850, departed this life without having made any disposition of said trust property, save only of a parcel which she conveyed to Margaret Ann O'Neill, by deed dated 12th April, 1848. In consequence whereof the complainant became entitled absolutely to the property conveyed to him as aforesaid.

That said real property, or the greater part thereof, including the parcel mortgaged as aforesaid, consists of property described in deeds, of which his exhibits are copies. That at the time of the death of the said Catharine, the said trust property was, and at this time is, in the occupation of tenants paying rents, who have received notice of the complainant's claim with regard to the said premises, and have been required to pay the rents thereof to him. But that the defendant O'Neill pretending to act at times for the next of kin and heirs-at-law of the said Catharine, and at other times in his own right, has interfered with said tenants, so that they refuse to pay their rents to the complainant, and complainant is thereby aggrieved and unable out of said rents to pay ground-rents and taxes chargeable on said property, and to repair the buildings thereon.

The bill is filed against O'Neill, the surviving husband, Henry Lechler and Elizabeth Fleming, as heirs-at-law of the