five Dollars, In Trust for the said Charlotte, for life, and at her death in trust for her husband Oliver Tazewell for life unmarried, and at their death, or at the marriage of said Oliver, in trust for the uses of the last will of the said Charlotte, and in default of a will, In Trust to convey the same to the lawful heirs of the said Charlotte, and their heirs forever; [all which will appear by said Deed which was duly executed and recorded, as aforesaid in Lib S.L.M. No. 1. f. 256 &c a properly authenticated Copy whereof is herewith filed, as part of this Bill, marked J.A.W. Exhibit F.]

Your Orators further shew: that on the 2d day of October, 1847, a certain William T. Somerville of Baltimore County, for the consideration therein mentioned, being of the proper monies of the said Charlotte and appertaining to her sole and separate Estate, conveyed to Marcus Denison, and his heirs, a parcel of land in Baltimore County, In Trust, for the sole and separate use of the said Charlotte her heirs and assigns forever, with power to dispose thereof by Deed or Will, and, in default of such disposition to her heirs, in fee, and in case her husband should survive her, and continue unmarried, then to pay over to him the rents and profits for life, remainder over to her heirs forever, and by the same Deed, a certain Joseph Hollifield, in Consideration of the further sum of four Hundred Dollars conveyed all his right and interest to said property to said Denison, In Trust, for the said Charlotte, her heirs and assigns forever; [as will appear by said Deed, which was executed and recorded according to Law, among the Land Records of Baltimore County, which is herewith filed as part of this Bill marked J.A.W. Exhibit G.]

Your Orators further shew, That the property mentioned in the several Deeds, or assignments, from Robert Mickle, from Philip T. George, from Samuel R. Powell, and from William T. Somerville and Joseph Hollifield, were each and all purchased, as aforesaid in the name of the said Denison, under the directions of the said Charlotte, out of her proper monies, and belonging to her sole and separate use, and which monies were the profits and income, and proceeds by sale, of the real and personal property, of which she was seized and possessed, at the time of her said marriage.

They further shew, that on or about the —— day of April, 1853, The said Charlotte died without having had any child by the said Tazewell, and without leaving any Child, or descendants of a Child & without any appointment by Will, or other testamentary instrument, as required by the aforesaid Conveyances, and without having made any disposition whatever; since the respective periods of their acquisition of the several pieces of property and Estate, mentioned in the five deeds from Mickle, George, Powell, Somerville, and Hollifield, and Baker and McDonald, so that at the time of her death, the said Charlotte was seized and possessed of an Equitable Estate of all the property described in said last mentioned deeds, as well as of an Equitable Estate in certain property described in the Deed from Charlotte A. Brown, to Marcus Denison, to wit, The Lot on Pitt Street, two negroes Ben and Clara, and certain monies, or other property of the value, in all, of Three Thousand Dollars and upwards, and which last described property, The said Samuel Oliver Tazewell, at the death aforesaid took possession of and has sold a part thereof, and now holds the same, claiming to be absolutely entitled to said property, as the survivor of his wife.

They further shew, that immediately upon the death of the said Charlotte, The said Samuel O. Tazewell also entered into and took possession of all the property and Estate mentioned in the deeds from Mickle, George, Powell, Somerville, and Hollifield, and Baker and McDonald, and has ever since claimed and received the rents, issues and profits thereof.

They further shew, that the said Samuel, on or about the —— day of April, 1854, married with a certain Mistiff Harding, whereby he forfeited all his

rights and interest in and to the property described in the five Deeds last above mentioned, save that mentioned in the Deed from Baker & McDonald, to the said Denison, to which property your Orators charge thus become entitled at the death of said Charlotte.

They further shew, that at the time of the date of the Deed from Baker and McDonald to the said Denison and at the date of the death of the said Charlotte you Orators were and now are the only persons, that could by the then existing or can by the now-existing Laws of the State of Maryland take an Estate in fee simple by descent from the said Charlotte. That at the date of the deeds from George, Mickle, Powell, and Somerville and Hollifield, and at the death of the said Charlotte, and at the second marriage of said Tazewell Your Orators were, and now are the only legal, right, and lawful heirs in fee of the said Charlotte.

They further shew, that since the second marriage of the said Tazewell, whereby he forfeited all his rights to the property acquired from George, Mickle, Somerville and Hollifield and Powell, your Orators have applied to the said Trustee to convey and assign to them all his interest, as Trustee, in and to the property mentioned in the five Deeds last aforesaid.

But now, so it is, may it please your Honor, that the said Tazewell refuses to permit the said Trustee to make any such conveyance, or assignment, save of the property, that is, the real estate acquired from Mickle, George, and Somerville and Hollifield, and said Trustee is unwilling to act at all in the premises, save under the directions of this Court, and is moreover desirous of being discharged from his said Trust, to which desire your Orators freely assent, whenever your Honor shall so decree, conceiving as they do, that the purposes originally contemplated by the Creation of said Trust, have been fully accomplished; and altho' your Orators conceive, that by the death, and second Marriage aforesaid a legal Estate has vested in them as to the property acquired from Baker and McDonald, Somerville and Hollifield and George, and an Equitable Estate as to the property acquired from Powell and Mickle, yet your Orators desire that the title to all said property should be quieted by a Decree of this Court, and by proper conveyances so that the said Trustee may be thereby protected, he having accepted said Office from motives of kindness and friendship alone to the said Charlotte, and so that the title to said property may be disembarrassed of all claims and interest of these defendants.

In tender consideration whereof, and as your Orators are otherwise remediless and to the end that a good and sufficient conveyance and assignment, or conveyances, assignments, and assurances may be made to your Orators, of all the property and Estate particularly described in the Deeds aforesaid from Mickle, George, Somerville, and Hollifield, and, especially from Powell, and Baker and McDonald, and that an account may be taken of all the rents and profits unjustly received by said Tazewell from any or all of said property, and especially of the rents, issues, and profits of the property acquired from the said Baker, and McDonald, and already received since the death of said Charlotte, and of the rents, issues, and profits of the property acquired from said Powell, which have been received since the death and Marriage of said Tazewell, or which may be received during the progress of this Cause on account of the two last described Lots, or any of said property and of all such rents, issues, and profits as he may be lawfully responsible for, in the premises, and that the same may be paid, and, inasmuch as your Orators are apprehensive of a conveyance by said Tazewell of the property hereinafter mentioned, whereby your Orators might be put to the expense of making other and new parties Defendants — to the further end that the said Samuel O. Tazewell may be expressly prohibited and enjoined from conveying, assigning, or, in any way ——