Hugh Gelston
vs
John Frazier and others

Be it remembered that now on the first Monday in October being the first day of the said month in the year of our Lord 1866 the Judge of the Circuit Court of Baltimore City being in the thirteenth Judicial Circuit of Maryland in pursuance of the directions of the act of Assembly in such case made and provided transmit to the Court of Appeals here the Record of proceedings of a cause which was lately depending before them in the Circuit Court of Baltimore City between Hugh Gelston Plaintiff and John Frazier et al Defendants and wherein the said Circuit Court gave decree for the said John Frazier et al against the said Hugh Gelston and from which said decree the said Hugh Gelston appealed to the Court of Appeals here the tenor of which said Record of proceedings is in form following to wit,

State of Maryland City of Baltimore to wit At a Session of the Circuit Court of Baltimore City in the 13 Judicial Circuit of the State of Maryland begun and held at the Court House in said City on the Second Monday in May being the eighth day of the same month in the year of our Lord 1865

Present
The Honorable William Alexander Judge of
Jno A Gunter Esq Shff.
Samuel McEvans Clerk

Among other proceedings to Wit.

Hugh Gelston
vs
John Frazier of Baltimore County
Amos F Musselman and
Joseph Cabot Trustees Mary
Ann Frazier Nat residents

Be it remembered that at the above term to wit on the eighth day of May in the year of our Lord 1865 came Hugh Gelston in the Circuit Court of Baltimore City hereby states & Southmayd Esquire his Solicitor and exhibited to the said Court his bill of Complaint in form following to wit To the Honorable William Alexander Judge of the Circuit Court of Baltimore City The Bill of Complaint of Hugh Gelston of Baltimore County respectfully shews to your Honor that a certain John Frazier and Mary Ann Frazier his wife heretofore to wit on the 23d day of June 1831 by their deed bearing date the day and year aforesaid and duly recorded among the Land Records of Baltimore County in Liber W G No 212 folio 441 &c did grant and convey unto a certain Joseph Cabot of the City of Philadelphia and State of Pennsylvania his heirs and assigns. All that certain Lot of ground in Baltimore City bounded on the North by Baltimore Street on the East by Frederick Street on the South by Hanover Street and on the West by Jones Falls which is called in "Washington Hall property" and which parcel of ground had been in assigned to the said Mary Ann Frazier in the division of the Real Estate of her father Brown Thurston deceased from whom she took the same by descent and held it in her own right in trust for the sole and

separate use and benefit of the said Mary Ann so that during the joint lives of the said Mary Ann and her said husband John Frazier she might either lease or let the said ground, or receive the clear rents thereof and apply them as she deemed proper; or with the consent of the said Joseph Cabot or his heirs or devisees by his or their writing in the deed with the said Mary Ann, either with or without the concurrence of the said John, her husband, sell and dispose of absolutely or for any less estate then in the whole or any part of the said parcel of ground for such price to be fixed by the said Mary Ann; and the proceeds received on the same to apply and dispose of under the directions of the said Mary Ann so that neither the ground nor the rents and proceeds of the same should during the life of the said Mary Ann be subject to the power disposal or control of the said John Frazier, nor be in any manner liable for his debts or engagements And from and after the decease of either of them, the said John and Mary Ann then as to such part or parts or so much of said trust estate and property as might remain undisposed of by the said Mary Ann by deed as aforesaid in trust for the use of the survivor or longest liver of the said Mary Ann and John and the heirs and assigns of such survivor forever in fee simple as by reference to said deed, a duly certified Copy whereof as soon as the same may be obtained to be filed herewith as part hereof will more certainly appear and which said Copy, when so filed your Orator prays leave to refer to as if the same were filed with and as the time of filing this Bill of Complaint and your Orator further shews that afterwards to wit on the 13 day of May 1833 the said Mary Ann Frazier in pursuance of the power and authority vested in the said by and contained in said above recited Indenture did by her deed, in a whole the said Joseph Cabot unto bearing date the day and year last aforesaid, and duly recorded among the Land Records of Baltimore County in Liber J K No 227 folio 415 &c demise and lease unto a certain William C Harris his executors administrators and assigns all of said above named property and premises for and unto the full and entire term of Ninety nine years thence next ensuing fully to be complete and ended, with the benefit of renewal thereof from time to time forever subject to the yearly rent in said lease reserved as by reference thereto a certain abstract hereunto filed as part hereof will more certainly appear, marked No 2 And your Orator further charges and avers that to the Indenture of lease above mentioned made between the said Mary Ann Frazier and Joseph Cabot to the said William C Harris, of the said property and premises there is annexed a covenant and agreement between the said John Frazier and Mary Ann Frazier and William C Harris his Heirs and assigns whereby the said John Frazier and Mary Ann Frazier for themselves their heirs executors and administrators did covenant with the said William C Harris his Heirs and assigns that they the said Mary Ann and John Frazier and their and each of their heirs at the cost and charge of the said Harris his heirs and assigns or his or their paying or lendering unpaid unto them, or the survivor of them, or the heirs of such survivor the sum of Eighteen thousand three hundred and thirty three dollars lawful money over and above all rent reserved by virtue of said lease and due in arrear should and would make execute and deliver or cause the