George F. Sephart vs John C. Steven and others } No 1376 Equity. To the Honorable James Weised Judge of the Circuit Court for Allegany County as a Court of Equity. The petition of John T. Edwards of Allegany County respectfully represents to your Honor that he is a creditor of George Lynn late of Allegany County deceased in the principal sum of two thousand dollars upon four promissory Notes of the said George Lynn for the sum of five hundred dollars each, and that said notes your petitioner who is now on a visit to the lower part of Maryland and intends has left said Notes at his home in Allegany County will sell as soon as he returns to his home. Your petitioner is willing to bear his proportion of the expenses of the suit and prays to be admitted as a party Complainant therein and have his claim allowed. Jed A. Scarr Ally for John T. Edwards

And afterwards to wit on the 13th day of January in the year 1867 it was filed in the cause here recommendations in the words following to wit.

George F. Sephart and others vs John C. Steven and others } No 1376 Equity. To the Honorable James Weised Judge of the Circuit Court for Allegany County as a Court of Equity. In this case the undersigned Creditors of George Lynn whose claims have been filed and proven recommend George A. Scarr and James McSchley to be appointed by your Honor as trustees in this cause. John T. Lynn J. McSchley.

George F. Sephart vs John C. Steven and others } No 136 To the Honourable James Weised Judge of the Circuit Court for Allegany County as a Court of Equity. The undersigned as counsel for the Allegany County Bank and other Creditors of the late Dr George Lynn representing claims largely exceeding five thousand dollars aimed recommend George A. Houston and Charles B. Hanestow as trustees to sell the property decreed to be sold in the above cause. Thomas Stevenson Counsel and Ally for Allegany County Bank and others.

And afterwards to wit on the first day of November in the year last aforesaid was filed in the cause here an opinion and decree in the words following to wit.

In the Circuit Court for Allegany County as a Court of Equity. No 1376 In said Court in Equity No 1387.

George F. Sephart vs John C. Steven and others } The first of the above bills is a Creditors Bill seeking the sale of the real estate of George Lynn deceased for the payment of his debts on the ground of the personal estate.

The second Bill is by a Creditor of said Lynn setting up his claim as an equitable Mortgage and praying that it may be declared and that the property of the deceased on which the lien is asserted to exist may be sold to its payment by way of priority over other Creditors.

The Bill in first of the above cases is general in its description of the real Estate of the deceased and with a view to ascertain and determine the character of certain property so that the decree may be shaped the answers and other proceedings in the attention of the Court to the

consideration of the questions which follow. The bill and answers in the second of said causes present these questions more distinctly. They are therefore to be disposed of together. The first question is as to the character of the interest which the said George Lynn had in the property embraced in the deed of trust of Mary Lynn and others to James McSchley dated Mar 17th 1850 exhibited in said causes, to which the said George Lynn and his wife Virginia Lynn were parties grantors with others free holders of the estates thereby conveyed in trust and the contention is that the interest of said George under said deed of trust, in certain property thereby conveyed in trust is personal property and the principal of equitable conversion and therefore not liable to be charged on the other hand it is asserted to be an equitable estate in fee in said Lynn and as such, will be reached by a Creditors Bill and answered by the decree. The deed embraces and conveys in trust all that part of the real Estate of the late Captain Samuel Lynn in Allegany County generally known as the Rose Hill Estate "except parts conveyed or sold and all that part called "Sampsons Riddle Solved"

The trusts declared are.

First that Mr McSchley the trustee shall hold for the exclusive use of Mary Lynn during her life certain portions of the property conveyed and after her death or sooner with her consent to sell the same at such time or times and in such lots or portions as the trustee and John T. Lynn and James Cheston Lynn or a Majority of them shall determine. Also that the said trustee shall also hold the land lying South of Hal Street extended to meet Allegany Street and not included in an arrangement made by the grantors with the said deed with the Mount Savage Iron Company for alleys &c and with a garden reserved to said Mary Lynn for life subject to the disposition which may be of full age at the grantors or a Majority of them who may be of full age at the date of such disposition; the said McSchley to convey the legal title vested in him by the deed to such person or persons & in such manner and under such restrictions as the Majority shall direct him to do the said trustee to be at no expense and to receive no commission on the sale of the last mentioned property the object of the parties as to this term being declared to be merely to vest the legal title of the same in the trustee for greater certainty and convenience in conveying the same and to avoid legal difficulties in case of the death of any of the parties leaving infant heirs.

Second the residue of the lands conveyed by said deed are to be directed and laid by said McSchley into such streets lanes alleys lots and portions as he and the said John T. and James C. Lynn or a Majority of them shall determine to be most promotive of the best interest of all parties concerned the laying off and platting to be done by said McSchley or under his direction, the streets lanes and alleys to be graded and paved if deemed proper by the three persons named or a Majority of them: the said Estate when so divided and laid off as aforesaid may from time to time be laid off and divided to be advertised for sale in such newspapers and other ways as the said three or a Majority of them shall determine and to be sold in such lots and parcels and on such terms as said three named persons or a Majority of them shall determine, and to be conveyed by the said McSchley to the purchasers on the first payment by them of the purchase money the said McSchley to be at no expense but all there to be borne by the grantors in the deed except Mrs Mary Lynn and Mr E. Ogerton (who was a formal