There is no proof showing that there was no other property, upon which the will could operate, and the bill allege that Mrs. Patterson in fact had, at the time of her death, both real and personal property in her own right, absolutely and in fee-simple.

It is submitted that the will of Mrs. Patterson does not in express terms or by necessary implication, indicate an intention to exercise said power of appointment, and that said trust property must be distributed and held under the wills of James Wilson and his widow, Mrs. Mary Wilson, mentioned in the proceedings. (See Clendenon's Lessee, 44 Md, 429, 434-5, and also Michael vs Michael, 18 Md, 227, 241; Foos vs Scarf, 55 Md., 309.)

Case submitted and ready for decree.

Daniel W. Thomas,
Auditor and Master.

March 12th, 1885.

Decree.

(Filed 13th March, 1885.)

Thomas J. Wilson and Henry R Wilson Surviving Trustees, etc., vs James Wilson Patterson, et al	In the Circuit Court of Baltimore City. March Term, 1885.

This cause having been submitted for decree and the proceedings read and considered.

The Court being of the opinion that Mary L. Patterson did not by her last will and testament, in express terms, or by necessary implication indicate an intention to exercise the power of appointment and disposition given her under the wills of James Wilson and Mary Wilson, and did not by her last will and testament dispose of the property held in trust by the complainants in this cause for the said

Mary L. Patterson, during her life; and that the remainder of said trust property must be distributed and held under the wills of James Wilson and his widow, Mary Wilson.

It is therefore by the Court, this 13th day of March, A. D. 1885, adjudged, ordered and decreed, that the complainants, Thomas J. Wilson and Henry R. Wilson, trustees, as mentioned in the bill filed in this cause, make distribution of all the trust funds, property and estate mentioned in said bill, under, as and in the manner directed by the said wills of James Wilson and his widow, Mary Wilson, to the issue of the said Mary L. Patterson, as directed by the said wills of James Wilson and Mary Wilson, that is to say:

One-fourth thereof to James Wilson Patterson, to be held by him absolutely and in fee-simple, free, clear and discharged of said trusts, or either of them; one-fourth thereof to William Patterson, to be held by him absolutely and in fee simple, free, clear and discharged of said trusts, or either of them; one-fourth thereof to Alice Patterson Harris, to be held by her absolutely and in fee-simple, free, clear and discharged of the said trusts, or either of them; and as to the other one-fourth thereof to remain and continue on, and to be subject to the same trusts as provided for by said wills of James Wilson and Mary Wilson, for the exclusive use and benefit however of Anna St. Clair Patterson, infant child of Arthur Melville Patterson, the deceased son of the said Mary L. Patterson, deceased, until she arrives at eighteen years of age, as provided for in said wills of James Wilson and Mary Wilson, when the same shall be distributed to and vest in her absolutely and in fee simple, free, clear and discharged of said trusts, or either of them, as directed and provided in said wills of James Wilson and Mary Wilson.

Geo. Wm. Brown.