of this Honorable Court.

6. Further complaining, your orators shew unto your Honor, that they are well advised, and now charge, that by the true construction and legal effect of the said last will and testament, there was a valid contingent remainder given to Harriett, the daughter of the testator, for life; that the same did not become vested, by reason of her death in the lifetime of her mother; but that the devise over to the next daughter of the testator, Catharine Harper, was void, because the same was limited after an indefinite failure of the issue of the said Harriett, and that the whole estate in the said lands has devolved upon your oratrix, as the only child and heir-at-law of the said testator. But nevertheless, the claim is made that by the true construction and legal effect of the said last will and testament, the limitations over were upon a definite failure of the issue of the said Harriett and Catharine, the daughters of the testator, and that your oratrix has a life estate in the said land, with remainder over to the defendant, Robert G. H. Pennington. Your orators are further well advised that they are now entitled to invoke the jurisdiction of this Honorable Court for the construction and ascertainment of the meaning of the said last will and testament, and of the title to the land thereunder.

To the end therefore —

1. That a decree may be passed by this Court, construing and fixing the meaning and effect of the testamentary provisions hereinbefore set forth.

2. That your Honor may grant unto your orator such other and further relief as unto your Honor may seem meet.

May it please your Honor to grant unto your orators the writ of subpoena, directed to the said Clapham Pennington, and Margaret G. Pennington, and James A. G. Pennington, infants, at No. 825 Park avenue, in Baltimore city, and to Emily L. Harper, at No. 408 Cathedral street, in Baltimore city, and to the said Robert G. H. Pennington, and Caroline D. Pennington, his wife, an infant, and to the said Thomas P. Chiffelle, and said Catharine H. Chiffelle, Thomas P. Chiffelle, and Francis A. Chiffelle, infants, in Baltimore city, commanding them, and each of them to be and appear, either in person or by solicitor, in this Court, on or before a certain day to be named therein, to show cause, if any they have, why a decree ought not to be passed as prayed. And as in duty bound, etc.

Fisher, Bruce & Fisher,
Solicitors for Plffs.

Plaintiffs' Exhibit A.
(Filed 11th December, 1888.)

Charles Carroll Harper's Last Will and Testament.

I, Charles Carroll Harper, make and declare this my last will and testament.

1. To my beloved wife, Charlotte, to whom I owe so much happiness, I devise and bequeath for and during the term of her natural life, my farm in Baltimore county, called "Oakland," as a home and residence for her and my children, with reversion at her death to my eldest son (if I have one, either born or ventre sa mère,) for life, and after him to his eldest son in fee; and if my eldest son die without leaving male issue, then to my second son for life, with reversion to his eldest son in fee, and if he also