

COURT RULES ON BEQUEST

Acts On Use Of Fund Created By White Gift

Judge William L. Henderson yesterday ruled that a \$78,000 fund created in the will of Mrs. Elizabeth B. White for the erection of a **statue** of Robert E. Lee in **Druid Hill Park** was a bequest to the city and left the determination of the type of memorial to the executor of the estate and municipal officials.

The ruling was made on a petition filed by Robert Garrett, great-nephew of Mrs. White and executor of her estate. Phillip Perlman, attorney for Mr. Garrett, asked the court to allow the fund to be used for the development of a public recrea-

tional area in the Lake Roland vicinity.

Cites Previous Gift

Mr. Perlman stated that a gift of \$100,000 for a joint equestrian **statue** to Lee and Stonewall Jackson had been left by the late J. Henry Ferguson and that another **statue** to Lee would be superfluous.

Judge Henderson refused to pass on the type of memorial but construed the bequest as one made to the municipality.

Mr. Perlman said that Mrs. White died in 1917 and her will directed that her home at 12 East Mount Vernon Place be sold and the funds used for a **statue** to Lee.

Property Sold For \$18,000

The property was sold for \$18,-

000, which was considered an inadequate amount for the proposed memorial. The money was invested and a total of approximately \$78,000 accumulated, he said.

Mr. Perlman told the court that if the fund reverted to the estate, it would be subject to heavy State and Federal taxes.