above mentioned Testator, and for a Codicil to his Last Will and Testament in the presence of us who at his request in his presence and in the presence of each and other have subscribed our names as Witnesses thereto.

R B J Mitchell
James Davidson
Jeremiah J Pearson

Baltimore County Sct. On the 7th day of June 1825 came R B J Mitchell, James Davidson and Jeremiah J Pearson the three subscribing Witnesses to the aforegoing Codicil to the Last Will and Testament of Nicholas J Mitchell late of said County deceased and made Oath in the Holy Gospels of Almighty God severally that they saw the Testator sign and seal the Codicil that they heard him publish, pronounce and declare the same to be a Codicil to his Last Will and Testament, that at the time of his so doing he was to the best of their apprehensions of sound and disposing mind, memory and understanding and that they subscribed their names as Witnesses to the Codicil in his presence at his request and in the presence of each other. Seen to in Open Court

Test L M Penn Reg:

Testimony that the aforegoing is a true Copy taken from Wills Liber W D No 12 folio 196 &c being one of the Land Records in this office of the Register of Wills for Baltimore County

(Seal) Witness my name and affix the seal of my Office this 12th day of January in the year 1851.

Test L M Penn Register of Wills for Baltimore County.

And proved that at the date of the making of said Last Will and Testament, the said Testator was seized and possessed of the premises hereinafter mentioned and remained seized and possessed thereof until the day of his death. That the said premises are rightly described in said Last Will and Testament as being situate on Saratoga Street number seven above Paca Street and that the said Testator died on or about the month of June 1825 leaving the said Last Will and Testament unrevoked and leaving also surviving him his son James Mitchell and his daughter Sarah E Mitchell (the defendant) his children by his wife and his sons Francis J Mitchell and Henry S Mitchell (the Lessor of the plaintiff) his children by another Mother and that after his death the said James J Mitchell entered upon said premises and remained in possession thereof under the devise made to him as aforesaid until his death which happened in the year 1837 and that he died intestate and without leaving any brother or sister of the whole blood other than the defendant and without leaving any issue surviving and that upon his death the said defendant entered upon said premises and continued in possession thereof and that the said Francis J Mitchell son of the testator departed this life in the year 1831 without issue and intestate and leaving

a brother or sister of the whole blood other than the Lessor of the plaintiff. And they read in Evidence the following agreement or assignment signed by the counsel for the parties.

Henry S Mitchell Lessor
vs
Sarah E Mitchell } Superior Court
Ejectment

It is admitted that the defendant in the 25th of June 1837 entered into possession of the tenement in the City of Baltimore as a religious sisterhood under the Rule of the Roman Catholic Church as a benevolent institution and continued to the said sisterhood, and that on 7th March 1845 she became a fully professed member in good consideration with the said sisterhood and does now remain as such.

R J Brent for deft
Th Alexander for Plff.

And hereupon the

And the Defendant thereupon by her counsel the issue joined in behalf of the following transcript of the proceedings had in the Circuit Court for Baltimore City by the Lessor of the plaintiff against the defendant.

State of Maryland City of Baltimore Sct.

At a Session of the Circuit Court for Baltimore City in the Fifth Judicial Circuit of the State of Maryland begun and held at the Court House in and for the City aforesaid on the second Tuesday in November being the 9 day of the same month in the year of our Lord 1857.

Were Present
The Honorable William George Stokes Judge
Thomas Cramer Clerk
William H Farmer Sheriff

Among other are the following proceedings to wit

Henry S Mitchell
vs
Sarah E Mitchell

Be it Remembered that heretofore to wit on the 19 day of June in the year of our Lord 1854 came Henry S Mitchell in the Circuit Court for Baltimore City here by Thomas J Alexander Esquire his Solicitor and exhibited his Bill of Complaint in form following to wit

To the Honorable William George Stokes Judge of the Circuit Court for Baltimore City

The Bill of Complaint of Henry S Mitchell of Charles County Humbly shews that Francis J Mitchell late of the City of Baltimore deceased was in his life time seized and possessed of a certain House and Lot in the City aforesaid and being so thereof seized and possessed duly made and published his last Will and Testament in writing properly attested to pass real Estate and Charity among other things did give and devise unto his son James Davidson Mitchell the aforesaid House and Lot of ground as aforesaid Well as his house on Saratoga Street number seven Wherein he then dwelt, and to the Brick Back building