attached to and now used therewith together with his furniture therein and other chattels enumerated in said deed to Hilary unto him the said James Dandson Mitchell in trust that his the testators daughter Sarah E Mitchell be permitted for and during the term that she shall remain single and unmarried and subject only to the restriction hereinafter expressed in the event of her joining the sisterhood of Emmitsburg or any other religious sisterhood to use and enjoy the said premises and the rents and profits thereof to her and apply to her separate and sole benefit, and in the event of her marriage then in trust for the use of the said Sarah her heirs and assigns forever. But the said testator after making that his said daughter had therefore expressed a desire and intention of joining the sisterhood at St Joseph further declared his will to be that if the said daughter should at any time thereafter wish to betake herself to the sisterhood of St Joseph at Emmitsburg or any other religious sisterhood that then her enjoyment of the property devised in trust for her as aforesaid should cease and be suspended and that in lieu thereof his said son should pay to her annually the sum of two hundred dollars so long as she should remain attached or united to the religious sisterhood of which she should become a member as aforesaid; and in the meantime that the surplus rents and profits of said property should be invested by his said son and formed into a fund for the use of his said daughter if she should at any time thereafter determine to join such sisterhood or for the use of the person or persons who should otherwise become entitled to the same agreeably to the provisions of the said Will and that in the event of his said daughter dying without having been married or in case she should be united to any religious sisterhood as aforesaid subsequent in immediate succession, that the said property devised in trust as aforesaid and all interest accrued upon the same aforesaid, as well as said fund should devolve on and belong to his sons Francis T Mitchell and your Orator Henry S Mitchell or to the survivor of them and their heirs and assigns forever, subject however to any as the said daughter should have to the payment to her of the aforesaid sum of 200 dollars and no more, as in and by said last Will and testament which after the death of the said Francis T Mitchell the testator was duly admitted to probate before the Orphans Court of Baltimore County and a copy thereof matter is filed herewith as a part of this Bill will more at large appear.

And your Orator further charges that the said Francis T Mitchell the testator departed this life in the year 1835 leaving the said last Will and testament so far as relates to the said devise unrevoked and unrevoked and possessed and possessed of the premises aforesaid. And thereupon the said James Dandson Mitchell entered into possession of said House and Lot, and thereupon fully took upon himself the said Sarah E Mitchell to take the rents and profits thereof and apply the same to her use and maintenance for life which happened in the year 1837 and then on and after the death of the said James and thereupon continually

to the present time the said Sarah has been in possession of the said premises and by her agent has taken and applied the entire rents and profits of the said premises to her own exclusive use and benefit, and at the present time she is in possession of the same premises and is taking and applying the rents and profits thereof to her own use as aforesaid.

And your Orator further charges that on or about the year 1837 the said Sarah contrary to the wishes of her deceased father aforesaid as aforesaid formed and united herself with the consent of the Visitation of the blessed Virgin Mary a religious sisterhood of Roman Catholic persuasion located in the District of Columbia and beyond the limits of the State of Maryland and now formed to and united with the said Society or sisterhood and for more than twenty years last past hath been a Nun professed of the strictest order of said Society or sisterhood. And she is now single and never has been married. And your Orator is advised that because of the said Sarah having become formed or united to the aforesaid Convent Society or religious sisterhood for the space of more than ten years in succession as aforesaid the trusts of the aforesaid devise have ceased and determined and the legal estate in the premises aforesaid hath been vested in your Orator as survivor of the said Francis T Mitchell the son who died in infancy without issue and unmarried in the year 1832. Subject only and charged with the sum of two hundred dollars payable to her yearly during the term of her natural life and of any doubt could be raised as to the title of your Orator as survivor of the said Francis T Mitchell therein to further charges he saith that the said Francis died without having any other sister than your Orator who is his brother of the whole blood and sole heir at law of and to the interest acquired by the said Francis in his life time by purchase and if the said Francis died seized of any estate in said premises descendible to his heirs at law the same hath descended to and vested in your Orator — And he therefore submits that the said Sarah might be required to surrender said premises to him. But now your Orator charges that the said Sarah pretends that the legal estate in said premises hath descended and is as heir sister of the whole blood to the said James Dandson Mitchell, and that the said trusts are yet subsisting and that she is entitled to take and receive the rents and profits of the said premises and to apply the same to her own use. Whereas your Orator is advised that the said trusts have become extinct in him. And further he avers that the said Sarah during her occupancy of the said premises has suffered the same to go into decay and out of repair and the same are now in a dilapidated and ruinous condition that the rents and profits of the said premises which were worth by year to year by the said Sarah greatly exceed the sum of two hundred dollars per annum and now all applied to the support and personal use of the said Sarah although as your Orator is advised and insists that the Order