December in the year of our Lord one thousand eight hundred and forty two.

Present.

The Honorable, Theodorick Bland Chancellor.

Louis Gassaway, Register.

Were had (among other) the following proceedings.

Sarah E Mitchell vs. Henry Mitchell and Joseph H Mitchell.

Be it remembered that heretofore to wit, on the twenty first day of June in the year of our Lord one thousand eight hundred and thirty nine John Barnes Esquire clerk of Charles County Court transmitted to the Court of Chancery of the State of Maryland and filed in said Court his certificate in the words following to wit.

Sarah E Mitchell vs. Elizabeth A Mitchell Exx. of James D Mitchell.

Charles County Court March Term 1839

In Equity.

1838 February 16th Bill and Exhibit filed

Subpa. iss. March 24 order filed.

" Nov. 6 affidavit filed, " " 7 order

and petition filed 1839 March 22 petition and affidavit and order to transmit proceedings filed proceedings transmitted to the High Court of Chancery.

Test. John Barnes, Clk of Charles County Court,

And accompanying said certificate and then and there filed were certain papers and proceedings theretofore had and taken in said County Court severally as follows.

To the Honorable Judges of Charles County Court sitting as a Court of Equity. Humbly complaining sheweth unto your Honors your oratrix Sarah Elizabeth Mitchell that her father Francis I Mitchell of the City of Baltimore died sometime in the year of our Lord eighteen hundred and twenty five and in his last will and testament as proved and recorded on the second day of April in the year of our Lord one thousand eight hundred and twenty five in the office of the Register of wills for Baltimore County gave and devised to your oratrix's brother James Davidson Mitchell (who was then living but has since died as will hereafter be stated) a certain house in Saratoga street in the City of Baltimore numbered seven being the same in which her deceased father resided at the date of his said last will and testament and the back brick building attached to and used therewith with all the furniture therein (then in use and attached and belonging to the same) with a complete set of silver Tea service as then used and also a certain negro woman named Rachael and her daughter named Ellen and a negro man named Dick Doyle then in Baltimore to be held by her said brother James Davidson Mitchell his heirs executors and administrators forever, In trust and confidence for your oratrix for the uses intents and to the ends and purposes declared in said last will and testament, and in trust that your memorialist should use, occupy and enjoy, "the said property and the entire rents issues profits and income of the same for your oratrix's separate

use and benefit" Your oratrix further states that by said last will and testament of her said father it was further willed and directed that whereas, your oratrix and her said brother James Davidson Mitchell were in right of their late mother who was the daughter of James Davidson late of Queen Anne's County Maryland, deceased entitled as tenants in common, to a portion or share of the estate real personal and mixed of which said James Davidson died, seized or possessed, that the said James Davidson Mitchell by deed duly executed and delivered should relinquish and release to your oratrix his undivided interest in the said estate and property or in lieu thereof pay to your oratrix the sum of five thousand dollars lawful money for and with the payment of which sum of money in case of said James D. Mitchell's "omission" to relinquish and release as aforesaid, that portion of the estate and property of your oratrix's father devised and bequeathed to the said James Davidson Mitchell as in said last will and testament for said James Davidson Mitchell's own use and benefit, was specially charged and made liable by said last will and testament all of which will be shewn to your Honors by the production of the said original last will and testament of said Francis I Mitchell dec. now in the possession of Elizabeth Mitchell widow of the aforesaid James Davidson Mitchell, who died sometime in the year eighteen hundred and thirty seven and also Executrix of the last will and testament of the said James D Mitchell and who, as such executrix and also in her own rights under said will and testament is asked to be made a defendant to this Bill of complaint, and as will also appear by a copy of sd. last will and testament of the sd. deceased Francis I Mitchell, if the original be not produced and as is now shewn to your Honors by an extract of the same marked A and herewith filed as a part of this bill of complaint. Your oratrix further states that her deceased brother James D Mitchell made his last will and testament which was duly proved, and admitted to record by the orphans Court of Charles County upon the 23d. day of August in the year of our Lord eighteen hundred and thirty seven, as will be shewn to your Honors by a copy of the same, if the original be not produced by the aforesaid Elizabeth Mitchell who has the same in her possession and who has taken out letters testamentary upon the estate of said James D Mitchell as executrix named in said last will and testament and that in said last will and testament, your oratrix's brother the said James Davidson Mitchell gave and bequeathed to your oratrix an annuity of five hundred dollars to be paid to her by the aforesaid Elizabeth as executrix in equal semi annual instalments of $250 each for and during the whole term of the natural life of yr. oratrix from the time of said testators death, and sd. testator charged the whole of his real estate with payment of said annuity. Your oratrix states and charges that after the death of her aforesaid father and immediately thereafter the said