will and testament executed in the presence of, and attested by two or more credible witnesses shall name and appoint to have and to be entitled thereto and his her or their heirs and assigns forever and in default of such nomination and appointment then to all the children of my said brother whether already or to be hereafter born equally their heirs and assigns forever. But if there be no such child or descendant of a child who shall live to attain the age of twenty one years then the said last described estate and property shall descend to and devolve upon the right heirs of me the said James Davidson Mitchell to be held by them their heirs and assigns forever. I authorize the leasing for a long term renewable forever any part or parts or the whole of my aforesaid Lot of Land in the City of Baltimore for the best rents that can at the time of making the lease or leases thereof be obtained for the same said lease or leases to be executed by my wife at any time or times during her life she may fix the rents, and reserve the same to her own use for her life, and after her decease to the use of the person or persons who may under this my will be entitled thereto. I wish it to be understood that the person or persons who may according to the terms of this my will be entitled to the slaves live stock and (moveable) moveable Chattels aforesaid after the decease of my wife, is or are to receive and take the same in the condition in which the property may be found at the time of my wife's decease, it being my will and intention that my said wife if she shall deem it necessary may dispose of by sale in her life time, any part or parts of the moveable chattels aforesaid except the slaves so as aforesaid necessary for the "Myrtle Grove" Farm, and the proceeds apply towards her comfortable maintenance and support. And I constitute and appoint my aforesaid dear wife Elizabeth Ann Mitchell sole executrix of this my will and testament, which I again declare to be my last. In witness whereof, I the said James Davidson Mitchell have hereunto subscribed my name and affixed my seal on this sixth day of August in the year of our Lord one thousand eight hundred and thirty seven (1837).

James D. Mitchell, (Seal)

Signed sealed published and declared by James Davidson Mitchell the above named Testator as and for his last will and testament in the presence of us who at his request in his presence and in the presence of each other have hereunto subscribed our names as witnesses thereto. J. M. Clellan. Hro. Bett. Beale Spurrier.

On the back of aforegoing will it is thus written.

Charles County Set. August 23d. 1837. Then came Elizabeth Ann Mitchell executrix of James Davidson Mitchell late of Charles County deceased and made oath on the Holy Evangely of Almighty God that the aforegoing instrument of writing is the true and whole last will and testament of said deceased that hath come to her hands and possession and that she doth not know of any other.

Test. H. Brawner, Regr. of Wills.

Charles County Set. August 22d. 1837. Then came John M. Clellan and Thomas Bett two of the subscribing witnesses to the aforegoing last will and testament of James D. Mitchell late of Charles County deceased and severally made oath on the Holy Evangely of Almighty God that they did see the testator therein named sign and seal this will and that they heard him publish pronounce and declare the same to be 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 together with Beale Spurrier respectively subscribed their names as witnesses to this will in the presence and at the request of the testator and in the presence of each other.

Test. H. Brawner, Regr. of Wills.

State of Maryland, Charles County Set. I hereby certify that the aforegoing instrument of writing is truly copied from one of the records of the orphans Court for Charles County.

In testimony whereof I have hereunto subscribed my name and affixed the seal of said Court this twenty fourth day of September in the year of our Lord one thousand eight hundred and thirty nine. (Seal)

Test. Aquilla Bateman, Regr. of Wills for Charles County.

And afterwards to wit on the 7th day of March 1843 the Chancellor passed his decree in the said cause which was duly enrolled in the words following to wit.

Sarah S Mitchell, pts. vs. Henry S Mitchell and Joseph H Mitchell,	In Chancery. December Term 1842. This case standing ready for hearing and the solicitors of the parties having been heard & the proceedings were read and considered.

Whereupon it is on this seventh day of March in the year eighteen hundred and forty three by Theodorick Bland Chancellor, and by the authority of this Court adjudged ordered and decreed that the bill of complaint of the said plaintiff be and the same is hereby dismissed with costs to be taxed by the Register.

Theodorick Bland, Clk.

Sarah S Mitchell, pts. vs. Henry S Mitchell, and Joseph H Mitchell,	In Chancery 7th March 1843. The said decree of this day in this case having been passed upon oral argument by the solicitors of the parties this court doth therefore according to the act of assembly in such case made and provided set down and file the following opinion for or in respect of the said decree. It is

the opinion of this Court, that the real estate proposed to be charged by the plaintiff, as a means of obtaining relief has descended to her, and it does not sufficiently appear, that the personal estate bequeathed to James D Mitchell in trust for the plaintiff, who was when the bequest took effect of full and then as yet sole ever was managed by and applied to his own use by the said James D Mitchell without the consent of the plaintiff.

Theodorick Bland, Clk.

And afterwards to wit, on the first day of April in the year eighteen hundred and forty three came the complainant aforesaid by her solicitors aforesaid and prayed an appeal from the decree aforesaid to the next