are not willing to accept such release until it is judicially ascertained by some proceeding in this Court or elsewhere; that under the terms of his trust of the said trustee has authority to receive payment of the said promissory note, and to give a valid release of the said mortgage.

11. That so far from complying with the terms of their said purchase, the defendants have filed a petition in the Orphans' Court for Baltimore County, stating their objections to the title as hereinbefore set forth, and praying that because of them the aforesaid final order of ratification may be rescinded.

12. That your oratrix is advised that the said Orphans' Court has no jurisdiction to pass upon these questions of title, and will not, so long as they are undetermined, pass any order requiring the defendants to comply with the terms of their said sale or have the property resold at their risk, so that your oratrix has no remedy without the assistance of this Honorable Court.

13. To the end, therefore—

(a.) That the above mentioned deed from Herman Von Kapff, trustee, and others, to Thomas J. Wilson, and the said deed from Thomas J. Wilson to Eibertus Van Bokkelen, may be declared to be a valid execution of the power reserved in the said deed of trust from Eibertus Van Bokkelen to Herman Von Kapff.

(b.) That the said sale to the defendants may be declared a valid exercise of the power conferred upon your oratrix by the codicil to her said testators will.

(c.) That the said Anthony M. Johnson, trustee, may be declared duly authorized to accept payment of the aforesaid promissory note, and to execute a valid release of the said mortgage upon receipt of the mortgage debt.

(d.) That the defendants may be required to specifically perform their said contract, and upon the recording of a release from the said Anthony M. Johnson, trustee of the said mortgage, and the delivery of a deed from your oratrix for the said land, to pay over to your oratrix the sum of eighty-six hundred and twenty-seven dollars and forty cents, ($8,627.40.) with interest thereon from the twelfth day of August, in the year eighteen hundred and ninety; and—

(e.) That your oratrix may have such other and further relief as her case may in equity require. May it please your Honors to grant unto your oratrix the writ of subpoena of the State of Mary— directed to the said Mary C. Carter, and Sarah R. Carter, both of whom reside in the village of Catonsville, in Baltimore County aforesaid, commanding them, and each of them, to appear in this Court on some certain day to be therein named, to answer the premises, and abide by and perform such orders and decrees as may be passed therein.

And as in duty bound, &c.

Naomi Van Bokkelen,
In her own right and as Executrix.
By her Solicitors—
Carey & Glenn.

And on the same day the defendants filed their answer, as follows:

Answer.

(Filed Sept. 9th. 1890.)