No. 6478. Equity.

2nd. And as for the third paragraph of said Bill this respondent answering says that she admits that by the provisions of the last will and testament of said decedent, Benjamin Smith, he devised to Joan Onatrip "the home in which I now reside in Woodsboro, Frederick County, Maryland, together with a moiety of the land annexed thereto" but she denies that it was so devised upon the conditions as set forth in said third paragraph of said Bill which is misleading and incorrect unless taken as qualified by said last will and testament therein referred to and a Copy of which is filed with said Bill as "Exhibit "B. S." that the same was so devised to Joan Onatrip as follows, "to have as a home, and without power to lease or dispose of the possession of the same, for and during her life or so long as she remains my widow, and should she cease to reside on the same or remarry, her interest in said home and lot to cease and determine, And upon the determination of my wife's interest in the said Home and moiety of the said land, whether by reason of her death, remarrying, ceasing to reside thereon or otherwise, I give and devise the same to my son George L. for his life, remainder after his death to my grandchildren, Margaret Rebecca Morris L. and Benjamin M. Children of my said son George L. and their Heirs forever."

"And I do hereby declare that this provision for my wife shall be in lieu of her dower and distributive share of my estate."

"And I do further direct that at the death of my said wife or at the determination of her interest in the said estate to her above bequeathed whichever shall first happen the person who under the provisions of this will shall be entitled to a freehold interest in the property hereby devised shall pay, within six months thereafter, to my Same-daughter, Alice Blanche Thomas, Child of my daughter Elizi Jane Thomas, the sum of two hundred and fifty dollars, which sum of two hundred and fifty dollars is to be charged upon the home and moiety of the lot above devised to my said wife, and in which she has a life estate determinable as above stated. And I further direct that if my son George L. or any other person during the continuance of the interest of my said wife in the property shall build upon his portion of the land, there shall be left a passage way or alley, three feet wide, between the two houses for the joint use of my wife and the owner or occupier of the other moiety of the said lot."

And this respondent further answering says that she is advised that it was not lawful nor competent for said testator, Benjamin Smith, to charge said home and the moiety of said lot of ground whereon the said house is situated so as aforesaid devised to her for life, for the benefit of this said grand-daughter, Alice Blanche Thomas, to the deprivation or prejudice of Joan Onatrip's rights or the rights of his Creditors.

And this respondent further answering says that while she was not sufficiently informed of the Amount of the indebtedness owing by her late husband, said testator Benjamin Smith, and for which his estate