No 3633. Equity.

4th. That prior to the execution of the deed a certified copy of which is "Exhibit S" filed in this cause and herein prayed to be taken, as fully as if the same were in words and figures set out at large the said Josephine R. Beale, widow as aforesaid, and the said Martina Beale, and the said Marie antoinette Beale, (now Marie Antoinette Vallume), mutually contracted and agreed between themselves that in order that the said real estate might be sold by their mother, and the proceeds from said sale, reinvested by their said mother for the ultimate use and benefit of the said mother for the ultimate use and benefit of the said Martina Beale and the said Marie Antoinette Vallume) and to be distributed to them in equal proportions, after the death of Josephine R. Beale their said mother, and for the purpose of carrying out said contract and agreement, did on the 6th day of November a.D. 1894, execute said deed of which "Exhibit A" is a certified copy, as aforesaid for the purpose of said sale and reinvestment and distribution and for no other purpose.

5th. That said contemplated sale and reinvestment as above set forth was never made in the lifetime of the said Josephine R. Beale, but on the contrary the said Josephine R. Beale died on the 25th day of January A.D. 1909, undertake to dispose of said real estate by last will and testament executed in Washington D.C. and in the same undertook to give, devise and bequeath unto the Union Trust Company of the District of Columbia a corporation existing under the laws of the United States, and having its principal office and habitat in Washington in the District of Columbia, in trust, to possess, hold, manage, invest, reinvest, sell, lease, exchange, or mortgage in the discretion, at any time, the said real estate aforementioned, contrary to the said contract and agreement aforesaid by the said Josephine R. Beale, and the said Martina Beale, and the said Marie Antoinette Beale (now Marie Antoinette Vallume) as will be seen reference to a certified copy of said Will herewith filed, marked "Exhibit B", and for other purposes in said last Will, and testament set forth.

6th. That your said complainant over and so charge that the said "Exhibit "A." was a trust reposed in the said Josephine R. Beale, as set forth in the preceding paragraphs, and was never understood, or intended to give her the said Josephine R. Beale, the authority or power as she attempted, to exercise as set forth in