Richard Eaton and John McTavish Exrs. of Charles Carroll of Carrollton vs Harriet Carroll.

Be it remembered that now here on the second Monday in June being the tenth day of the said month in the year of our Lord one thousand eight hundred and thirty three the Worshipful Justices of the Orphans Court for Baltimore County in pursuance of the directions of the act of Assembly in such case made and provided transmit to the Court of Appeals here the record of proceedings of a certain cause which was lately depending before them in the Orphans Court of Baltimore County between Harriet Carroll Complainant and Richard Eaton and John McTavish Executors of Charles Carroll of Carrollton defendants, and wherein the said Orphans Court passed a decree for the said Harriet Carroll against the said Richard Eaton and John McTavish Executors as aforesaid and from which said decree the said Richard Eaton and John McTavish Executors as aforesaid appealed to the Court of Appeals here the tenor of which said record of proceedings is in form following to wit:

The State of Maryland, At an Orphans Court begun and held for Baltimore County in the Court house in the City of Baltimore on the twenty fifth day of February in the year of our Lord one thousand eight hundred and thirty three.

Were present
Henry Payson
Benjamin C Redgate } Esquires Justices.

Among other proceedings were the following viz.

Be it remembered that heretofore to wit on the nineteenth day of November in the year of our Lord one thousand eight hundred and thirty two, certain paper writings purporting to be the last will and testament and codicils thereto of Charles Carroll of Carrollton deceased were deposited and filed in the office of the Register of Wills for Baltimore County and which paper writings are in the words and figures following to wit.

State of Maryland. I Charles Carroll of Carrollton of Anne Arundel County in the said State do make this my last will and testament in manner following, hereby revoking all former wills and codicils by me made. that is to say. To my grandson Charles Carroll and his heirs. I devise all my Island in Chesapeake Bay called Poplar Island, also all my Lots and houses in the City of Annapolis (except the houses and Lots herein after devised to my daughter Mary Eaton) also all my estate, plantation or tract of Land in the vicinity of Annapolis called "the Farm" with the two adjoining tracts of Land called Edges Advance and Edges Addition: and all my tract of Land in Anne Arundel County on the road from Annapolis to Elk Ridge called "part of Trusty Friend" or the half way house: I also devise to him for his life without impeachment

of waste, my Manor in Anne Arundel County called Doughoragen Manor or Doughoragen Manor Enlarged, with all my lands adjoining thereto, and after his death to his eldest son lawfully begotten, whom he may leave alive or in ventre sa mere at the time of his death, and to the heirs of such eldest son forever: and in case my said grandson should die without leaving any son then alive, or of whom his wife may be then pregnant, I then devise all my said Manor and adjoining lands to his eldest legitimate male descendant in the eldest male line who may then be alive or in ventre sa mere, and to the heirs of such eldest male descendant forever: and in default of such legitimate male descendant of my said grandson in the male line, I then devise all my said Manor and adjoining lands to my daughters Mary Eaton and Catharine Harper and their heirs as tenants in common, and to the children, grand children and descendants of my deceased son Charles Carroll and their heirs as tenants in common, in such manner as that each of my said daughters shall have each an equal third part, and the children of my said son then alive and the children or descendants of such of them as may then be dead shall have one equal third part among them, which last mentioned third shall be so divided that each of my said son then living shall have one equal part thereof in fee simple, and the children and other descendants of each child then dead one equal part equally among them in fee simple per stirpes, the children of each dead child or descendant standing in the place of their parent, and taking the part which such parent if alive would have had, equally to be divided among them. And if at the death of my said grandson my said daughters or either of them should be dead, it is my will and I hereby devise and direct that their children and descendants then alive shall stand in their places respectively as to my said Manor and adjoining lands, and shall take to them and their heirs as tenants in common the parts respectively which my said daughters if alive would have respectively taken; the third part of each of my daughters in such case being divided among her children then alive and the descendants of such of them as may be then dead in such manner as that each child then alive shall take in fee simple one equal part of the said third, and the children and other descendants of each child then dead one equal part in fee simple equally among them per stirpes, the children of each deceased child or descendant standing in the place of their parent and taking equally among them the part which that parent if alive would have had - I give to my grandson Charles Carroll all the slaves and other personal property which at the time of my death shall be on the farm called the Folly (which is part of my Manor) that is to say, personal property which at the time of my death shall be commonly employed or used on, or