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as parts of this statement. If these papers should not be filed it is to be taken as admitted that the rents assessed on said lots are much less than their real value and that the leases are subject to be determined at the pleasure of the representative of Charles Carroll the testator. It is further agreed that the water line as it existed in the year 1743 is properly delineated on the plat of the city before referred to and that in the year 1784 by the operation of natural causes the water line had varied as is shewn in the plat No. 2 before referred to; And it is likewise admitted that before and at the dates of his aforesaid last will and testament and codicils thereto the said Charles Carroll of Carrollton was seized in fee and possessed of other lots the said Charles Carroll of Carrollton was seized in fee simple in fee and possessed of other lots in those parts of the city designated as Bloomsbury Square and Prince George's Street and that they passed to Charles Carroll his Grandson under and by virtue of said instruments. It is further admitted that plots No. 1 and 2 aforesaid were made for Charles Carroll of Carrollton and were always in his possession as his property. It is further admitted that the owners of lot W.L. and H.S. ever since the aforesaid demises thereof have had enclosures on the lines of said lots binding on the alley between them and the said alley has ever since been used by the public or such persons as had occasion to do so as a way for men beasts and carriages and that ever since the enclosures made by the said John Brewer as before stated the alley between the said enclosures has been used by the public or by such person as had occasion to do so as a way for men beasts and carriages. That the plaintiffs have no evidence of any release of right or grant of a way to the public over said alleys or either of them other than is to be inferred from the aforesaid user and on the part of the defendants it is admitted that they have no evidence of any claim made by the said Carroll in his lifetime to close the said alleys or either of them or to interrupt the public in the use thereof, and that the said Carroll some time in the year 1817, removed his residence from the city of Annapolis where he had always theretofore resided to the upper part of Anne Arundel County but has always had an agent in the city of Annapolis to collect his rent and transact his other business in the city. By these admissions it is not intended to admit the right of the public to such road alleys or ways but the admission is exclusively made for the purposes of this suit that they have been opened and used as aforesaid. It is further admitted that the defendants claim no part of the rent accrued on the demised premises aforesaid during the lifetime of the said Charles Carroll of Carrollton - and they are willing to admit and do admit for the purposes of this suit that the plaintiff has fully paid such rent to the person or persons entitled thereto; and as these defendants do not claim any right or title to the premises as aforesaid under Charles Carroll the grandson of the testator and mentioned in the will and codicils aforesaid it is further admitted for the purposes of this suit that the said Carroll the grandson hath transferred, and conveyed all such right or title thereto as he had or might be supposed to have acquired under or by virtue of any limitation or devise in said last will and testament of the said Charles Carroll of Carrollton deceased or codicil or codicils thereto unto the plaintiffs. The sole questions in this case being whether under the limitations and devises in the said last will and testament and codicils thereto of the said Charles Carroll of Carrollton the said defendants had right to enter upon the premises demised as aforesaid for the purpose of making a distress as aforesaid <u>for the purpose of making a distress as aforesaid</u> and all errors in pleading are therefore released. It is further admitted that the lots marked on the plat No. 2 W.L. and H.S. always had erected thereon valuable buildings and improvements - That the lot W.L. has had for fifty or more years last past a valuable brick house and other buildings erected thereon and an extensive tannery - That at the death of the testator the fee simple interest in lot W.L. and improvements was worth about $3000, and the reversionary interest therein about $600 - That the fee simple interest in lot H.S. and improvements was worth at testators death about $5500 and the reversionary interest therein about $300. That the front doors of the dwelling on the lot last aforesaid and the gates leading into the yard and enclosures thereof open upon the alley between that lot and lot W.L.

Thomas S. Alexander, James T. Brice, Somervill Pinkney for defts.
J. Johnson, for pltffs. A. Randall, for pltffs.

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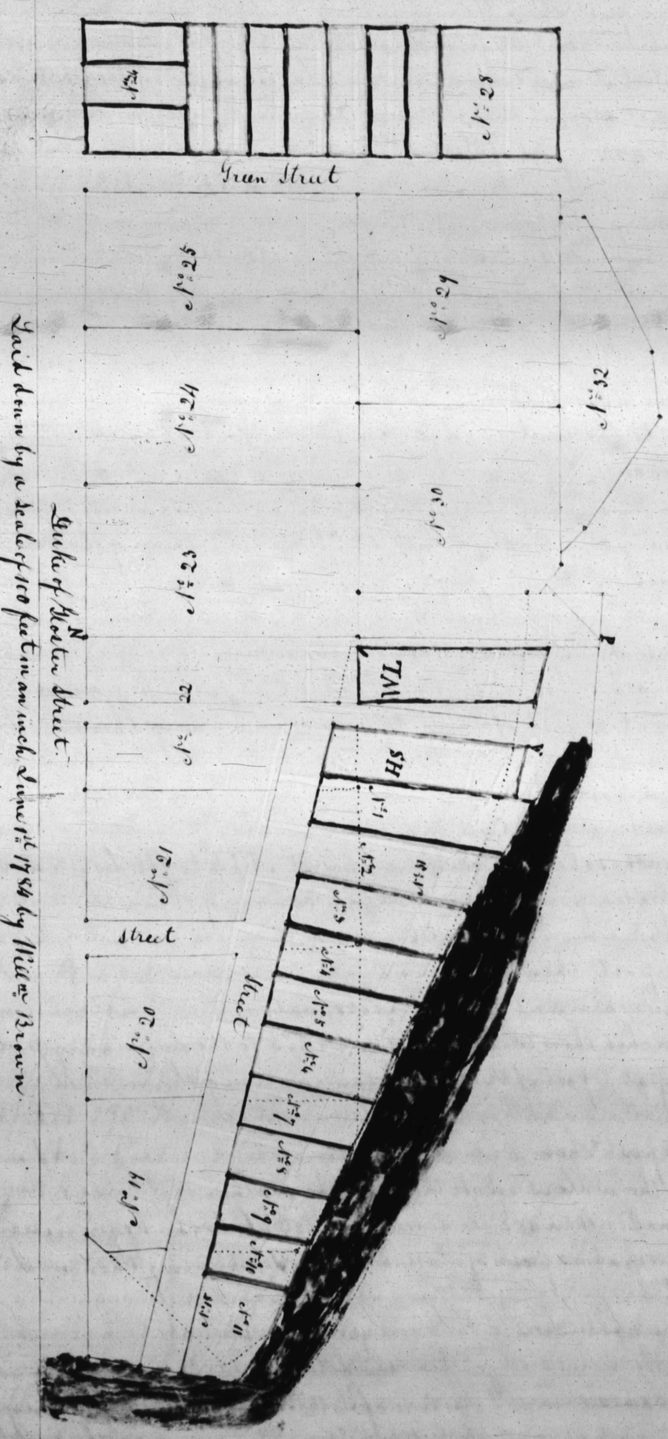
And it is further agreed and admitted that there are no buildings or other improvements on lots No. 18, 19, 20, 21 except the Coach House, or 31 except the improvements on the aforesaid demised premises.

S. Pinkney, A. Randall.

Exhibit No. 1. plot of the City of Annapolis.

Exhibit No. 2.



These are to certify that I have surveyed for Charles Carroll off Carrollton Esqr. Eleven