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above stated, without any assertion of title or remonstrance as to the proceedings of this defendant - This defendant further admits that Peter Troxell died at the time mentioned, in the complainants bill, leaving a widow Magdalena Troxell, and the several children mentioned therein who are complainants in this bill, That John Troxell died at the time mentioned having in due form of law executed his last will and testament leaving the devisees mentioned in the said complainants bill - That Jacob Troxell died at the time mentioned leaving the children mentioned in said bill as his heirs at law - This defendant is ignorant as to the residue of the facts mentioned in the said bill of complaint, and therefore does not respond thereto, requiring that the same be proved without this, that any other matter or thing in the said complainants said bill of complaint contained material or necessary to be replied to, and not herein or hereby well and sufficiently answered into confessed or avoided, traversed or denied is true; all which matters and things this defendant is ready to aver, maintain and prove as this Honourable Court shall award; and humbly prays to be hence dismissed with his reasonable costs and charges in this behalf most wrongfully sustained. -

Wm. D. Ross, Solicitor for defendant. -

State of Maryland, Frederick County sc. On this twenty sixth day of August 1836, personally appeared before the subscriber a Justice of the peace in and for the County and State aforesaid John Troxell and made oath on the Holy Evangely of Almighty God that the facts stated in his answer above made are true as therein stated to the best of his knowledge information and belief - Sworn before. -

George Rice. -

Exhibit A, as referred to in the above answer - In the name of God amen I John Troxell, Sen.r of Emmitsburg in the County of Frederick and State of Maryland being in perfect health of body and of sound and disposing mind, memory and understanding considering the certainty of death and the uncertainty of the time thereof, and being desirous of settling my worldly affairs, and thereby be the better prepared to leave this world when it shall please God to call me hence, and do therefore make and publish this my last will and Testament - that is to say - First and principally I commit my soul unto the hands of Almighty God, and my body to the earth to be decently buried at the discretion of my executors herein after mentioned, and after my debts and funeral charges are paid, I devise and bequeath as follows. Devise of land in fee simple - I bequeath to Mary Troxell, late wife and widow of my son Peter Troxell, deceased, the part of the old plantation where she the said Mary Troxell now lives, my son Jacob Troxell having the other part of said plantation whereon the Mill is erected made over to him by deed, Mary Troxell part of said tract of beginning at the end of the last out line of the whole tract and running thence with the given line thereof - north eighty five degrees east eighteen perches and six tenths of a perch north twenty five and three fourth degrees, east ninety eight perches north twenty and one half degrees west twenty and one half perches north sixty three and three fourth degrees west twenty six perches, north fifty nine and three fourth degrees west twelve perches north eleven degrees, west nine perches north sixty five degrees west ninety four perches south thirty five degrees, west eleven perches, south eighteen degrees west forty six perches south six degrees west thirty perches south eleven degrees east twelve perches south five degrees west twenty two perches north seventy seven and one fourth degrees west sixteen perches south twenty one and one half degrees west thirty perches, south twelve degrees west one hundred and eight perches

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to the twelfth out line of "Harris' Delight," thence with said line to the aforesaid place of beginning containing one hundred sixty one acres and ninety five square perches of land, also fifty acres of timber land the same being a mountain lot, on which a certain Abraham Emmitt lived in a small house and adjoining to a lot of fifty acres of said mountain land, which I hereby will and bequeath to my son Jacob Troxell his heirs and assigns forever the said tract of mountain land to be divided equally between the said Mary Troxell and her heirs and Jacob Troxell as aforesaid agreeably to the plats and courses of the same which are to be found amongst my landed papers; I hereby will and bequeath to the aforesaid Mary Troxell, the aforesaid tracts and parts of tracts of land during her widowhood, as also my negro man James, and in case she the said Mary Troxell, should marry before the youngest of her children by my son Peter should arrive to the age of twenty one years then and in that case she the said Mary Troxell is to have only the one swath part of the lands and premises and other the estate herein willed to her the said Mary Troxell as aforesaid - or should she the said Mary Troxell and her five children namely George Charlotte Elizabeth John and Henrietta Troxell children and heirs of the said Mary Troxell and Peter Troxell decd. - (and should the said Mary Troxell and her aforesaid children all be living when the youngest arrive to the age of twenty one years or if the youngest should be dead, then the next youngest and so forth as the case may be then and in that case it is my will that the aforesaid devised estate be all sold and divided equally between her the said Mary Troxell and her five children equally share and share alike should negro James prove turbulent and unruly, in that case he is to be hired out, and his wages applied to the use and support of the family as also all the profits and benefits arising from said estate until the youngest child shall arrive to the age of twenty one years - at which time the sale and division of said property is to take place. - Item, I will and bequeath unto my son Jacob Troxell the fifty acres of Mountain land heretofore mentioned, adjoining the fifty acres Lot, herein willed and bequeathed to Mary Troxell and her children as also the part of my old plantation whereon the Grist and Saw Mill are erected, and containing and laid out for one hundred and thirty four acres and one fourth of an acre of land, which I have already made over to my son Jacob Troxell by deed, as his full share, part and proportion of my estate - Item. I will and bequeath unto my son John Troxell the sum of five dollars current money as his full share part and proportion of my said estate, real and personal. - Item. I will and bequeath unto each of my daughters that is to say Magdalena Hinch Elizabeth Showers Barbara Hinkle, Mary Kollinger, Margaret Marks and Catherine Wince, all the residue of my estate real and personal with the exception of Barbara Hinkle, who was intermarried with a certain William Grinamyer, and in and during the lifetime of the said William Grinamyer - they the said Barbara and William Grinamyer, received from me in cash five hundred and seventy one dollars and thirty three cents which she the said Barbara is to account to the rest of her sisters for by the estate making the rest of her sisters equal to her in that amount of money after the aforesaid equalization, the accounts in what is termed the children book are also to be accounted for, by each of those whose name stands on record therein after so doing the balance on residue to