false clamor be in mercy &c.

And it is also considered by the Court here, that the said Defendant go thereof without day and so forth; And it is also considered by the Court here that the said Defendant recover against the said plaintiff Lessee as aforesaid the sum of _____ by the Court here unto him the said Defendant, on his assent adjudged for his costs and charges by him about his defence in this behalf laid out and expended, and that the said defendant have thereof execution and so forth.

Mitchell vs. Mitchell

Action of Ejectment July Term 1850.

1st. Exception. At the trial of the above cause, the plaintiff having offered to prove that the tract of land called "Myrtle Grove" is correctly located on the plot and that said land as located was possessed by Francis J. Mitchell from 1817 to the time of his death in 1825 and that immediately after his death his son James D. Mitchell as devisee under his last will and testament (Francis J. Mitchell's last will and testament. In the name of God, Amen. I Francis J. Mitchell of Baltimore City in the state of Maryland, being afflicted in my bodily health, but of sound disposing mind memory and understanding, do make my last will and testament in manner and form following, viz. Imprimis. I give and devise unto my oldest son James Davidson Mitchell, my tract of land in Charles County lying on the Mattawoman run containing one thousand acres more or less, with the whole of the live stock and improvements of husbandry thereon, and all my slaves except such as are hereinafter excepted, also all my lots of ground and houses on them respectively situated on Bath and Pearl streets in the City of Baltimore, and on the Alley in the rear of Pearl street (subject to the annual rent of forty seven dollars payable to the Baltimore Water Company, also my lot on Federal Hill containing one acre three roods and thirty one square perches of land more or less, which was conveyed and assigned by James George to me by Indenture bearing date on or about the fifteenth day of August one thousand seven hundred and ninety six, and Recorded among the Land Records of Baltimore County in Liber W.G. No. W.W. folio 543 &c. subject to the yearly rent of ten pounds payable the first day of June in each and every year. also my house and lot on Liberty street, at present in the occupation of Charles Keenan. also all my grounds situated in the aforesaid City of Baltimore, which have been leased or subleased by me for ninety nine years, renewable forever, and the annual rents issuing, arising and payable thereout, and which amount clear of taxes to the nett annual sum of twenty four hundred and eighty dollars or thereabout, payable half yearly, subject however as respects a portion of said grounds subleased by me to an annual rent of three hundred and fifty one dollars at present or lately payable to Rebecca Goodwin and also all my plate and furniture both in Charles County and Baltimore City (except that portion of my plate, and furniture hereinafter devised to my daughter) and stock of liquors in each of these places, together with all my bonds, notes, books and papers of every description and denomination whatsoever. To hold to my said son James Davidson Mitchell, his heirs executors administrators and assigns forever.

Item. I give and bequeath to my son Francis J. Mitchell his heirs executors administrators and assigns forever my lot of ground on the South side of



Baltimore street in the City of Baltimore aforesaid which was assigned and transferred to me by Christian Keener and Engelhard Keener executors and residuary devisees of Melchor Keener by deed dated on or about the twenty sixth day of March in the year of our Lord one thousand eight hundred and recorded among the land records of Baltimore County aforesaid in Liber W.G. No. 63 folio 274 &c. together with the house erected and standing thereupon, also my lot or parcel of ground, situated on Smiths Wharf in the said City of Baltimore, comprehending the two pieces or parcels described in a deed to me made by Walter Muschett and others bearing date on or about the first day of June in the year of our Lord one thousand eight hundred and five, and recorded among the Land Records aforesaid in Liber W.G. No. 85 folio 485 &c. together with the Warehouse erected and standing thereupon also two vacant or unimproved lots, fronting on the West side of Market street, Fells point in the said City forty eight feet and running back to Apple Alley for depth, two hundred feet being the two northermost of four lots of ground conveyed to me by Samuel J. Donaldson, Trustee for the sale of the real estate of William Hays deceased, by Indenture dated on or about the twelfth day of December in the year of our Lord one thousand eight hundred and twelve and recorded among the land Records aforesaid in Liber W.G. No. 121 folio 167 &c. Also my Brother James W. Mitchell Bond to me conditioned for the payment of ten thousand dollars at three per cent interest, on or before the first day of July in the year of our Lord one thousand eight hundred and thirty four, and secured by a deed of Mortgage from said James W. Mitchell and Ann Maria his wife, on certain property situate on Fells Point, as by reference to Deed of mortgage recorded in Baltimore County Court will appear, also thirty shares of stock in the Baltimore Water Company which now stands in the name of the president and directors of the Bank of Maryland, and to be released by my executors hereinafter named, together with five thousand dollars to be paid to me by the executors of the late Robert Sewall, To Hold to him the said Francis J. Mitchell his heirs executors administrators and assigns forever, But in the event of my said son Francis, I dying without heirs of his body, and before he shall arrive at the age of twenty one years, then it is my will and devise that the property hereby devised by me to him, shall go and belong to his Brother Henry S. Mitchell his heirs executors administrators and assigns forever. Item. I give and bequeath to my son Henry S. Mitchell his heirs executors administrators and assigns forever, my lot of Ground situated in Baltimore street, in the City of Baltimore aforesaid and extending to East street, granted and conveyed to me by Francis Murray by deed dated on or about the twenty seventh day of August in the year of our Lord one thousand eight hundred and eight, and recorded among the land records aforesaid in Liber W.G. No. 99 folio 546 &c. together with the house erected and standing thereupon now or lately occupied by Berteau and Dumas or one of them, also my lot piece or parcel of ground situated on Smiths Wharf in the aforesaid City of Baltimore which was granted and conveyed by Henry Thompson to me by deed dated on or about the first day of February in the year of our Lord one thousand eight hundred and four, and recorded among the aforesaid records in Liber W.G. No. 78 folio 399 &c. together with the Warehouse erected and standing thereupon, also two vacant or unimproved lots fronting forty eight feet on Market street, Fells Point and running back for depth, two hundred feet