being, and also my lot of land situated on the South side of the Basin in the City of Baltimore, and on what is generally called and known by by the name of Federal Hill containing as it is supposed nearly two acres, and generally all the rest, residue and remainder of my estate real personal and mixed not herein disposed of wherever situate be being inclusive of my Library, Books of accounts, and all moneys belonging due, owing or payable to me, and all evidence and vouchers relating thereto - To hold said farms, lot of land and real estate, and all said slaves, live stock, chattels effects, money and claims unto my said wife, for and during the term of her natural life, without impeachment of waste, so that neither my said wife, nor her representatives, shall be answerable for deterioration or involuntary loss. It is nevertheless my will and desire in case the debts owing to me, and which may be collected should fall short of an amount sufficient to discharge the just claims against me, that my said wife sell and dispose of in her best discretion so much of my personal property other than, that given and bequeathed to her in perpetuity, as may be necessary to make up that deficiency: But if the moneys on hand at the time of my death, and those owing to me, and which may be collected should exceed the amount of the just claims against me - Then I give the surplus or difference to my said wife, to be applied to her own use. - Moreover I authorize and empower my said wife if she shall think proper so to do, to sell such of my slaves as may not be necessary for cultivating and carrying on the "Myrtle Grove Farm," and for domestic purposes thereon, and, and in the event of such sale to apply the proceeds to her own use or to dispose thereof as to her may seem fit. -

After the decease of my said wife, I give and devise my aforesaid Farm called "Myrtle Grove" and the slaves that may remain undisposed of inclusive of the future issue and increase of the females, and also the farming and plantation utensils and implements of husbandry, and live stock that may be then remaining on that farm, unto the oldest male heir of the body of my brother Henry S. Mitchell and the heirs and assigns of such male heir forever, if he shall live to attain the age of twenty one years, or leave lawful issue, and in case of the decease of such eldest male heir of the body of my said Brother in his minority and without leaving lawful issue then to the next eldest male heir of the body of my said Brother and the heirs and assigns of such next eldest forever, if he shall live to attain the aforesaid age of twenty one years, or leave lawful issue, and so in succession, to the third fourth and other male heir, his heirs and assigns, of any such male heir, there shall be, that may live to attain the aforesaid age of twenty one years, and for want of such male heir of my said brother, then the said estate shall descend and devolve upon the right heirs of me the said James Davidson Mitchell, in fee simple, and as to my aforesaid farm called "Hunting Field" and the live stock, farming utensils and implements of husbandry thereon and also my aforesaid lot of land in the City of Baltimore - I give and devise the same after the decease of (my) my wife, to such one or more of the children of my aforesaid brother Henry S. Mitchell, as my dear wife by her last will and testament or by any instrument of writing in the nature of or purporting to be a last will and testament, executed in the presence of, and attested by two or more credible witnesses, shall name and appoint to have and be entitled thereto and to his her or their heirs and assigns forever, and in default of such nomination and appointment then to all the children of my said brother whether already or to be hereafter born equally, their heirs and assigns forever. But if there shall be no such child or

descendant of a child who shall live to attain the age of twenty one years, then the said last described estate and property shall descend to and devolve upon the the right heirs of me the said James Davidson Mitchell to be held by them their heirs and designs forever - I authorize the leasing for a long term renewable forever any part or parts of the whole of my aforesaid lot of land in the City of Baltimore for the best rents that can at the time of making the lease or leases thereof obtained for the same, said lease or leases to be executed by my wife at any time or times during her life, she may fix the rents and reserve the same to her own use for her life and after her decease to the use of the person or persons who may under this my will be entitled thereto I wish it to be understood that the person or persons who may according to the terms of this my will be entitled to the slaves live stocks and moveable chattels aforesaid after the decease of my wife is or are to receive and take the same in the condition in which the property may be found at the time of my wifes death it being my will and intention that my said wife, if she shall deem it necessary may dispose of by sale in her life time any part or parts of the moveable chattels aforesaid except the slaves so as aforesaid necessary for the Myrtle Grove Farm and the proceeds apply towards her comfortable maintenance and support. -

And I constitute and appoint my aforesaid dear wife Elizabeth Ann Mitchell sole Executrix of this my last will and testament, which I again declare to be my last - In witness whereof I the said James Davidson Mitchell have hereunto subscribed my name and affixed my seal on this sixth day of August in the year of our Lord one thousand eight hundred and thirty seven. -

Ja^s. D. Mitchell. (Seal)

Signed sealed published and declared by James Davidson Mitchell the above named testator as and for his last Will and testament in the presence of us who at his request, in his presence and in the presence of each other have hereunto subscribed our names as witnesses thereto. -

J. M. Clellan,
Thos. Bell,
Beall Surrien. -

Charles County, Set: August 23d. 1837, then came Elizabeth Ann Mitchell Executrix of James Davidson Mitchell late of Charles County deceased and made oath on the Holy Evangely of Almighty God that the aforegoing instrument of writing is the true and whole last will and testament of said deceased that hath come to her hands or possession and that she doth not know of any other. -

Test, H. Brawner, Reg^r. of Wills. -

Charles County, Set: Augst. 22d. 1837, then came John M Clellan and Thomas Bell, two of the subscribing witnesses to the aforegoing last Will and testament of James D. Mitchell late of Charles County deceased and severally made oath on the Holy Evangely of Almighty God that they did see the testator therein named sign and seal this Will and that they heard him publish pronounce and declare the same to be his last will and testament, and that at the time of his so doing he was to the best of their apprehensions of sound and disposing mind memory and understanding, and that they together with Beall Surrien respectively subscribed their names as witnesses to this will in the presence and at the request of the testator and in the presence of each other. -

Test, H. Brawner, Reg^r. of Wills. -