and that it was afterwards mortgaged to Robert Oliver by said Eaton by deed recorded Liber W.G. No. 172. Fol. 131. That by deed dated January 12th 1838 recorded Liber J.K. No. 276 Fol. 348 (recciting death of Oliver and appointment of his Executors; and also the appointment of John McTavish and Richard St. Stewart by the will of Charles Carroll de Trueter of Mrs. Mary Eaton: and also the power of Mrs Eaton to direct the sale of her property, and the purchase of other) the Executors of Oliver and Richard Eaton and Mrs Eaton convey to said McTavish and Stewart the trustees named in the last will and Testament of Charles Carroll of Carrollton, as Trustees of the property therein bequeathed to them in trust for the use and benefit of Mrs. Eaton". The property in question, in trust, "to and for the uses and trusts specified and declared of and concerning the property bequeathed to them in trust as aforesaid for the use and benefit of said Mrs. Mary Eaton in and by the said last will and testament of Charles Carroll of Carrollton, deceased, and the codicils thereto: the consideration of this deed being that Mrs Eaton had sold other property and paid off the said mortgage. The said McTavish and Stewart by deed, (in which Mrs Eaton joined) dated December 9th 1844 recorded Liber J.K. No. 348 Fol. 133, conveyed the property to Francis Pennington and - - - - Hoffman, who by a decree of the Court of Chancery had been substituted as Trustees in place of said McTavish and Stewart, in trust "to, for and upon the uses, purposes and trusts as the same were held by said McTavish and Stewart". It is further admitted that by the last will and testament of Charles Carroll of Carrollton the said Mary Eaton had power to direct from time to time during her life and sales, Conveyances, Leases, Transfers and assignments of the property, or any part thereof, bequeathed to Trustees for her benefit. It is further admitted that James H. Stimpson was authorized by said Mary Eaton in her lifetime by her power of attorney duly executed and delivered to said Stimpson to make and enter into agreements for leases of the property of said Mary Eaton, subject to her ratification. It is further admitted that the order herewith filed (marked A) directing the surrender of the property in question to William H. Carpenter, was signed by said Stimpson and delivered to said William H. Carpenter at the date thereof, who received immediate possession of it. It is also admitted that Mrs. Mary Eaton died in about the month of October in the year 1846. And it is further admitted that some time after the death of Mrs Mary Eaton certain of the property which descended to her Daughters as tenants in common, was assessed and described and divided, in and upon certain schedules and plats filed in the Court of Chancery in a cause wherein the Marchioness of Wellesly and others were Complainants and Emily MacTavish and others were Defendants, and that certain portions of said property were, by a decree of said Court passed at June Term 1851 in said cause, vested in John E. Howard as Trustee for said Lady Stafford one of the Daughters of said Mary Eaton, and that among the property so described, the property now in question is described as "Schedule B.B." as in the tenancy of said William H. Carpenter for the term of ninety nine years at an annual rent of Two Hundred and nineteen dollars and Eighty three cents yearly, and payable in the months of January and July. And it is also admitted that said property so described, is a portion of that which was allotted to John E. Howard as Trustee aforesaid by the aforesaid Decree, and that said Lady Stafford as a party to said

proceedings.

S. T. Wallis, F. K. Howard for Complainants.
Dobbin & Talbott for Defendants.

The order marked A referred to in the foregoing agreement is as follows to wit:

"A."

Messrs Herbert & Smith, will please surrender the part of Lot No. 116, containing 90 acres to Mr. W. H. Carpenter to whom it has been leased for 99 years. and oblige. Yrs Mary Eaton per James H. Stimpson.

May 21st 1846.

It is further agreed that the bill shall be considered as amended so as to embrace a tender or offer thereby on the part of the Complainants to buy out the lease at the price of $41.66 per acre as provided by the terms of defendants Exhibit A

S. T. Wallis for Compt.
Dobbin & Talbot for deft.

March 30th 1855.

And afterwards to wit on the same Thirtieth day of March in the year last aforesaid the defendants by their solicitors aforesaid filed in said cause the following Exceptions to wit:

Carpenter vs. Howard & others

Circuit Court for the City of Baltimore.

The Defendants Except to the admissibility of the paper signed by Stimpson in Mrs Eaton's name, directing possession to be given to Carpenter in May 1846, as evidence of any other contract of lease than that set out in the bill, or as evidence pertinent to the allegations in the bill & the contract there alleged and relied upon.

Dobbin & Talbott for Defendants.

Whereupon for that the Court here is not advised to give its judgment of and upon the premises aforesaid day therefore is given to the said parties to hear thereof its judgment until the second Monday in May next. At which said second Monday of May to wit in the year last aforesaid and at each succeeding term come again into Court here the parties aforesaid by their solicitors aforesaid and thereupon as before further day is given to the parties aforesaid before the Court here from term to term of the said Court from the said second Monday in May in the year last aforesaid to second Monday in November in the same year. And now here at this day the said second Monday in November to wit: in the year last aforesaid come again into Court here the parties aforesaid by their Solicitors aforesaid, Whereupon afterwards to wit: on the 27th day of December in the year last aforesaid all and singular the premises being by the Court here seen heard and fully understood and mature deliberation thereupon had the Court passed and filed in said cause the following Decree to wit:

William H. Carpenter vs. John E. Howard & Elizabeth Jerningham Lady Stafford.

In the Circuit Court for Baltimore City.
November T. 1855.

Decree.

This cause standing ready for hearing and having been argued, and the proceedings and proof having been read and considered, It is thereupon this 27th day of December 1855 by this Court and the authority thereof, adjudged Ordered and Decreed, that if the said William H. Carpenter his heirs, Executors, administrators & assigns shall at any time within three years