

daughter *Margaret Russell Clerk*, who shall be living at her death ; and who being a son, or sons, shall then have attained, or shall afterwards live to attain the age of twenty-one years ; or who being a daughter or daughters shall then have attained the age of twenty-one years, or been married, or shall afterwards live to attain that age, or be married, to be equally divided between such children, if more than one, as tenants in common. But if my said granddaughter *Margaret Russell Clerk*, shall have only one child living at her death, who being a son, shall then have attained, or shall afterwards live to attain the age of twenty-one years ; or who being a daughter, shall then have attained the age of twenty-one years, or been married ; or shall afterwards live to attain that age or be married, then upon trust to assign, transfer and pay the said last mentioned sum of £1,500, or the stocks, funds, or securities in or upon which the same shall be invested as aforesaid, unto such only child for his or her own absolute use. And in case my said granddaughter *Margaret Russell Clerk*, shall have no child or children who shall live to become entitled to the said last mentioned sum of £1,500, or the stocks, funds or securities in or upon which the same shall be invested as aforesaid, unto my grandson *John Clerk*, for his own absolute use.'

The testatrix in the same will had given a legacy to her granddaughter *Eleanor Lee*, who was a native, and then a resident of England, and a subject of the British king ; and as such incapable of taking real estate in Maryland and Virginia by descent, from several relatives from whom, but for her incapacity, in respect of her alienage, she expected and might obtain a large amount of property in common with her sisters who were citizens of the United States. In reference to this state of things, and to make some indemnity to her granddaughter *Eleanor Lee* for any loss she might thus sustain, the testatrix *Ann Russell* added the following codicil to her will :

'Understanding, that my granddaughters in America, viz. Mrs. *Sarah Contee*, Miss *Ann Lee*, and Mrs. *Margaret Russell Clerk*, intend to contest their sister *Eleanor Lee's* right to her share of her grandfather's, grandmother's, father's and mother's lands and personal estate in Maryland and Virginia, I hope and trust they are not so unnatural ; if it prove so, I will and desire, that every shilling I have left them in my said will, be paid my dear *Eleanor Lee*, added to the legacy I have left her in my will, as a compensation for what she loses by their cruelty ; but if they do not contest