heir at Law, to his brother James Dickson who after deducting one hundred acres from said land was entitled to a moiety of the residue, as by said Bill reference being thereunto had will more at large appear —

Your Orator states that the said Frederick Haffner died before any answer was put into said bill having first duly made and published his last will and Testament, a Copy whereof is herewith exhibited No 1 to which your Orator also refers, and in which the said Frederick devised the land aforesaid, of which your Orator claims part, to his sons Frederick and Michael Haffner in fee simple as Tenants in common —

Your Orator states that the said bill and proceedings thereon have become abated by the death of said Frederick but he is advised and informed that his survives and exists against his sons the devisees, in like manner as it originally existed against the said Frederick in his life time, And to the End that the said Bill and the proceedings thereon had may stand revived against the said Devisees and be in the same plight and condition as they were at the time of the death of the said Frederick the Testator, and that your orator may have such relief in the Premises as his case merits, and that the said Frederick Haffner and Michael Haffner may be compelled to answer the Premises and the said original Bill; May it please your Honor to grant your Orator the States Writ of Subpoena commanding them and each of them to answer the Premises and to shew cause why the original Bill and proceedings thereon should not be and stand revived against them, and to compel them to answer the original bill and stand to and abide by such order and Decree therein as to your Honor shall seem meet &c.

Philip B. Key for Complt.

Exhibit No. 1.

In the name of God Amen I Frederick Heffner of Frederick County being aged and infirm but of

sound and disposing memory and understanding considering the uncertainty of this life and being desirous to settle my worldly affairs before it shall please God to call me hence do make and publish this my last will and Testament in manner to wit —

First and principally I commit my soul to the hands of Almighty God, my body to the earth to be buried in a decent manner at the discretion of my Executors herein after named, and after my debts and funeral charges are paid I desire and bequeath as follows

Imprimis. I give and bequeath unto my daughter Abigal Shely the sum of fifty pounds current Money to be paid to her by my Exr. when the Law suits, with Geo: Clem and Geo: Dixon are ended —

Item: I give and bequeath unto the Children of my Daughter Catharine Miller the sum of fifty pounds Current Money to be equally divided between and paid them when the Law suits aforesaid are ended —

Item. I give and bequeath unto my daughter Elizabeth and her assigns part of my late wifes wearing apparel and the whole of my house hold furniture also, one Cow and Calf and one heiffer and I further order and direct that my Executors pay unto my said Daughter every year during her natural life the sum of three pounds current Money —

Item. I give and bequeath unto my two Sons Frederick Heffner Junr. and Michael Heffner all the rest and residue of my Estate both real and personal to them their heirs and assigns forever to hold as tenants in common, and it is my Will as soon as convenient after my decease and the final end of the law suits with Geo: Clem and Geo: Dixon and that my friends Thomas Johnson Esquire Samuel Duval and Baker Johnson or any two of them divide my Lands so as to let Frederick enjoy his plantation and improvements and the Land adjoining thereto and Michael his plantation and Improvements and the land to him adjoining but it is to be understood that Michael

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