June Term 1827.

which had been duly admitted to probat and record in the Orphans Court of Harford County which will they produced. Which said will is as follows, to wit. In the name of God Amen I Robert Smith of Deer Creek middle hundred Harford County, State of Maryland, being weak in body but in sound memory blessed be God do this twenty eighth day of March in the year of our Lord one thousand seven hundred and eighty three make and publish this my last Will and testament in manner and form following viz.t First of all I recommend my body to the dust from whence it came & soul to Almighty God who gave it. Secondly, out of such worldly estate as God has blessed me with I allow all my lawful debts to be paid. Thirdly, I bequeath to my beloved Wife Jean Smith the one third of all my estate during her natural life if she doth not marry. Fourthly, I do bequeath to my son William Smith the plantation that I now live on known by the name of Williams Discovery, also the Waggon gears, plows and harrows. Fifthly I do bequeath unto my son John Smith the plantation he now lives on known by the name of Frankford only that I reserve forty pounds out of S.d Frankford to be paid by the said John Smith viz.t twenty pounds to my daughter Sarah Rigdon Baker Rigdon wife of & twenty pounds to my daughter Elizabeth Lindsey Wife of Andrew Lindsey to be paid in one year after my decease in specie. Sixthly, I bequeath to my son Samuel Smith Robert Smith and my daughter Elizabeth & my daughter Sarah & my daughter Jean all my moveable estate to be devided equally among the five. Seventhly, I bequeath to Lyle Smith son of Samuel Smith my grand son five shillings sterling and no more. I also make and ordain my loving Wife Jean Smith & son William Smith my whole and sole executrix and executor of this my will & in Witness Whereof I have set my hand and seal the day and year above written.

N.B. If John Smith my son bring any Charge against the estate I now live on he forfeits all that is bequeathed to him.

Signed Sealed & delivered in the presence of us who were present at the sealing thereof. Ralph Pyle. John Thomas. James Barnett } Robert Smith (Seal)

Harford County ss. Jany. 1.st 1788. Came Ralph Pyle, John Thomas and James Barnett the three subscribing Witness to the foregoing will and made oath on the holy evangelists of Almighty God that they did see Robert Smith the testator therein named sign and seal the foregoing instrument of Writing and that they heard him publish pronounce and declare the same to be his last will and testament and that he was at the time of his so doing to the best of their apprehensions of sound disposing mind memory and understanding and that they severally subscribed their names as witnesses to the foregoing will in the presence and at the request of the testator and in the presence of each other.

Harford County ss. Jany. 1.st 1788. Came William Smith one of the executors in and by the foregoing will named and appointed and made oath on the holy Evangelists of Almighty God that the foregoing is the true and whole will of Robert Smith late of Harford County deceased that hath come to his hands and possession and that he knows of no others.

May the 11.th 1803. the defects in the probate for want of signature of the late Register to the Will of Robert Smith was this day cured in Court agreeably to

June Term 1827.

an Act of Assembly passed November Session 1800. Abr.m Jarrett R W H C.

Maryland ss. I hereby certify that the within and foregoing is a true transcript from the records in the office of the reg.r of Wills for Harford County. In Testimony whereof I have hereunto set my hand and affixed the seal of my office this 8.th day of March 1823. (Seal) Thos. S. Bond. RWHC.

In evidence they further proved that Samuel Smith was the eldest son and heir at law of the said Robert the elder that Samuel Smith died intestate about the year eighteen hundred and fifteen having never been in possession or actually seized of the premises in question leaving three Children, to wit, Robert and Sarah Smith being the lessors of the plaintiff and Lyle Smith which said Lyle Smith was the eldest son of the said Samuel and that he Lyle died about three years ago from this state. They produced and read in evidence a deed from Lyle Smith to Robert Smith one of the plaintiffs. Which said deed is as follows, to wit.

This Indenture made this twenty fifth day of July in the year of our Lord one thousand eight hundred and eleven between Lyle Smith of Harford County and State of Maryland of the one part and Robert Smith of the County and State aforesaid of the other part. Witness that the said Lyle Smith for and in Consideration of the sum of five hundred dollars Current money of the United States to him in hand paid by the said Robert Smith. The receipt whereof the said Lyle Smith doth hereby acknowledge, and thereof and of every part and parcel thereof doth hereby acquit exonerate and discharge him the said Robert Smith his heirs and assigns for ever. Hath granted bargained and sold and by these presents doth grant bargain and sell unto him the said Robert Smith his heirs and assigns forever all the right title interest property Claim and demand whatever which he the said Lyle Smith hath either in law or equity of in and to a Certain tract or parcel of land situate in Harford County on Deer Creek, known by the name of Williams Discovery and also the reversion and reversions remainder and remainders thereof. To have and to hold all and singular the right and interest both in law and equity which he the said Lyle Smith hath of in and to the said tract or parcel of land Called Williams Discovery and the reversion and reversions, remainder and remainders thereof unto him the said Robert Smith his heirs and assigns to the only proper use and behoof of him the said Robert Smith his heirs and assigns forever. And the said Lyle Smith doth hereby for himself his heirs executors administrators and assigns Covenant and agree to and with the said Robert Smith his heirs and assigns that he the said Lyle Smith will warrant and for ever defend unto him the said Robert Smith his heirs and assigns all the right and interest both in law and equity which he the said Lyle Smith hath of in and to the said tract or parcel of land Called Williams Discovery and the reversion and reversions, remainder and remainders thereof against all person and persons claiming the same by through or under him them or any of them. In Witness whereof the said Lyle Smith hath hereunto set his hand and seal the day and year first above written.

Signed Sealed & delivered in the presence of Thomas A. Hays. Samuel Beadford } Lyle Smith (Seal)

Harford County ss. Be it remembered that on this twenty fifth day of July in the year of our Lord one thousand eight hundred and eleven Lyle Smith the Grantor