June Term 1828

Chas Co: Be it knowe as my decease father John Smith by his last will and testament in writing has amongst other things therein contained constituted and appointed me with my brother in law John More his Executor. Now be it known unto all persons that I John Smith son of the aforesaid testator for divers good causes me moving and inviting have and by the present do renounce resine and deny the execution of the said to all so that neither I or my Executor or Executors shall may can or will hereafter at any time by any means interest or concern myself himself or themselves with any matter touching or concerning the same and I do hereby declare and promise that I will not receive take release and discharge any debt or debts due to my said father, not that I will claim or pretend to claim any matter or thing by virtue of the said will otherwise than as legatee, Given under my hand and seal this sixteenth day of November anno Domini 1716 sealed and delivered

in the presence of Owen Reed Montee — John Smith (Seal)

At the foot of the aforegoing Will is thus written to wit.

State of Maryland to wit.

In Testimony that the within and aforegoing Will and the probates thereto subjoined are truly copied from Liber No 3 folio 97, 98 & 99 one of the Records of the Orphans Court of Charles County.

(Seal) I have hereto subscribed my name and affixed the seal of the said Court this twenty ninth day of October in the year of our Lord one thousand eight hundred and twenty one

Humphrey Barnes Regr of Will."

also the will of John Smith "In the name of God amen I John Smith of Charles County being sick and weake in body, but of sound and perfect memory do make and ordain this my last Will and testament first revoking and making void all other Wills or Wills by me heretofore made, and do acknowledge this to be my last will and testament as followeth, First I give and bequeath unto my Grandson Basil Smith the Land and plantation he now lives on beginning at the first bound tree of land called Jordon running down Zachia Swamp to a Spring at the mouth of a land then with a strenght line by a marked white oak to a small branch, then up the said branch to a back line and after my wife's decease all the land between the said farm and the pasture branch to him and his heirs forever — Secondly I leave and bequeath unto Margaret Smith my daughter in law the land and plantation she now lives on the sd Land to begin at the forke of a branch called the pasture branch running up the branch to the back line till it intersects Basil Smith's line and with Basils to the beginning and after her decease to my grandson James Smith to him and his heirs forever. Thirdly I leave and bequeath unto my loving wife Susannah Smith my dwelling house and plantation with all the land I am possessed of or intitled to during her natural life and after her decease to be equally divided between my two daughters Susanna Dyer, and Lucy Ordre Dyer to be divided by their own Discretion to them and their heirs forever. Fourthly, I give and bequeath unto my son Ignatius Smith one English Shilling — Fifthly I give and bequeath unto my Grandson Richard Smith a Young Horse or Mare not under two nor over six years old and a bridle and saddle — Sixthly I give and bequeath unto my Grandson Benjamin Smith one horse or mare not under two nor over six years old and a bridle and saddle — Seventhly I leave and bequeath unto my loving wife Susannah Smith all my personal Estate during her natural life, and after her decease to be equally divided among my three daughters Christian Clemmons, Susanna Dyer and Lucy Ordre Dyer. Lastly I nominate and appoint my loving wife Susanna Smith my hole and sole Executrix of this my last will. In Witness whereof I hand hereunto set my hand and seal this fourth day of June anno Domini 1796. Signed sealed published and declared to be the last will and

June Term 1828

testament of the above named John Smith In the presence of us, the words interlined (the back line) before signed and delivered.

Edward Jenkins, James Montgomery, Elizabeth Atkin — John Smith (Seal)

On the back of the aforegoing will was thus endorsed to wit

Charles County set. on the 13th day of December 1776 came Edward Jenkins James Montgomery and Elizabeth Atkin the subscribing witnesses to the within Will of John Smith late of this county deceased and severally made oath on the Holy Evangels that they did see the said John Smith sign and seal the same and heard him publish and pronounce it to be his last will and Testament 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 subscribed their names as witnesses to the said Will in the presence and at the request of the testator and in the presence of each other.

Sworn before & Certified by, Walter Hanson Dl. C.

Ignatius Smith the heir at Law not being within this province at the time of taking the above probate had no notice to attend Walter Hanson Dl. C.

Maryland, Set

In Testimony that the aforegoing is a true Copy taken from Liber No 6 folios 303, 304 & 305 one of the Records of the Orphans Court of Charles County

(Seal) I have hereunto set my hand and affixed the seal of my office this twenty third day of August in the year of our Lord one thousand eight hundred and eight

Humphrey Barnes Regr of Will for Charles Coty "

The devisee who entered and was seized, also the deed from Giles & Dyer and Susanna Dyer to Jeremiah Dyer the Plaintiff in this cause.

"This Indenture dated this eighth day of May Anno Domini one thousand eight hundred and eleven between Giles Green Dyer and Susanna Dyer his wife of Prince George County in the State of Maryland of the one part and Jeremiah Dyer of Charles County of in the aforesaid State of the other part Witnesseth that whereas John Smith by his last Will and testament dated the fourth day of June Anno Domini seventeen hundred and seventy six, did devise to his two daughters Susanna and Lucy Ordre Dyer his dwelling house and plantation after the decease of his Widow, to be divided by their own discretion to them and their heirs forever, now this Indenture Witnesseth that the said Giles & Dyer and Susanna his Wife for and in consideration of the sum of one dollar current money of the State of Maryland to them in hand paid the receipt whereof is hereby acknowledged and for and other good causes and considerations them thereunto the said Giles & Dyer and Susanna his Wife them thereunto moving hath granted bargained sold and by these presents doth grant bargain and sell unto the said Jeremiah Dyer his heirs and assigns forever, all that parcel of land as stated above to have been devised by the aforesaid John Smith to his two daughters Susanna and Lucy Ordre Dyer together with all and singular the improvements and appertainances thereunto belonging or in any wise appertaining and the reversions and remainders rents issues and profits thereof and all the estate right title and interest whatsoever of them the said Giles & Dyer and Susanna his wife both at law and in equity of in and to the said parcel of land and premises hereby bargained and sold or meant mentioned or intended hereby so to be and every or any part and parcel thereof to have and to hold the aforesaid parcel of land together with the buildings and appertainances and all and singular other the premises hereby bargained and sold or meant mentioned or intended so to be and every part and parcel thereof with there and every of their appertainances unto the said Jeremiah Dyer his heirs and assigns forever, and to and for no other use intent or purpose whatsoever, and the said Giles G Dyer and Susanna his wife for themselves their heirs executors and administrators