day of the said month, in the year of our Lord, one thousand, eight hundred and thirty four come again into the Court of Appeals here, the parties aforesaid, by their attorneys aforesaid: But because the Court of Appeals here, are not yet advised what judgment to give of and upon the premises, a day therefore is further given to the parties aforesaid, with the consent of the said parties by their attorneys aforesaid, to come before the Court of Appeals here, on the first Monday in December next, to hear the judgment of the Court of Appeals here, of and upon the premises, for that the Court now here, as yet are not advised.

And now at this day to wit, the said first Monday in December being the first day of the said month, in the year of our Lord, one thousand, eight hundred and thirty four come again into the Court of Appeals here as well the said Samuel D Price and others by Franklin Anderson their attorney, as also the said Jacob Mumma by William Price his attorney, and the said parties aforesaid, by their attornies aforesaid, file in Court here, an agreement, to wit:

Jacob Mumma
vs
Saml D Price, Philip Grove
George Smith & others.

In the Court of Appeals
Dec. Term 1834

George Smith one of the Defendants having recently died, it is agreed that his will, a copy of which is annexed to this paper, shall be considered a part of the record, and the devisees of the said George Smith, therein named, be entered as parties instead of the said Smith

It is further agreed that no decree is to be had against Henry Mose, nor the other defendants be charged, with the amount for which the land purchased by Mose is claimed to be liable

Wm Price for appellee
F Anderson for appellants

January 7th 1835

Nancy Smith - Widow.
David Smith - Exr devisee
Rebecca Smith. Sarah Smith
Elizabeth Smith
Catharine McKaman } one share between them
George S McKaman }
Wm F Smith

And which said Will as herein referred to, is as follows, to wit:

In the name of God Amen, I George Smith of Washington County in the State of Maryland being now in body but of perfect and sound mind memory and understanding do making make and publish this my last will and testament in manner and form following that is to say first and principally I commit my soul into the hands of Almighty God and my body to the earth to be decently buried at the discretion of my Executor herein after mentioned and after my just debts and funeral charges are paid I devise

and bequeath as follows Item, I give and bequeath to my dearly beloved wife Nancy during her natural life the House and lot in which I now reside in the Town of Sharpsburg It is also my will that Two thousand Dollars be placed upon interest by my Executor the interest of which sum of my said wife shall receive yearly and every year during her life and if it shall be deemed necessary by my wife to use for her support any part of the principal of said sum that she is to be at full liberty to use the same. Item, I give and devise to my wife as aforesaid the privilege of selecting as much of my house hold and kitchen furniture and other materials in and about my house as she may deem most to her comfort and advantage the selection of all of which my wife is to make at her own pleasure Item, It is further my will that my wife as aforesaid shall also be entitled to take from my stock of provisions so much as she may deem amply sufficient for her comfortable support and maintenance for one full year after my decease.

Item. It is further my will that my son David is to furnish to my wife as aforesaid the one third of all the wheat and corn which he may raise on my farm during the lifetime of my wife aforesaid the same to be delivered to her in such manner as she may direct and it is further my will that my son David as aforesaid shall also deliver to my said wife from the farm as much hay and firewood as she may want for her own use during her natural life. Item It is my will and I hereby bequeath to my son David my farm in Washington County near the Town of Sharpsburg and on which he my son David now resides to him and his heirs forever subject however to the following provisions to wit The one third of the Wheat and corn hay & firewood which is to be furnished to his mother during her life as all the rent he is to pay for the same during that period and at the death of my wife my said son David is to pay for the aforesaid farm the sum of three thousand five hundred dollars in yearly payments of five hundred dollars without interest which is to be equally divided among my six children or their legal representatives share and share alike.

Item. I give and devise to my said son David one Waggon and a roan horse. Item, I will and direct that all the rest of my estate both real and personal be sold by my executors hereinafter named and the proceeds to be equally divided among my children in the following manner viz: To my son David one share, to my Daughters, Rebecca, Sarah & Elizabeth one share each to my grandson William F Smith one share and to my daughter Catharine and her son George S McKaman one share which share is to be equally divided between his mother and himself share which share is to be equally divided between his mother and himself

Item, In the disposition which I have made of my farm after the death of my wife I have directed that the amt charged to my son be equally divided among my six children I mean thereby that my Grandson William F Smith is to be entitled to one share in the place of his father.