Trespass and Ejectment aforesaid in manner and form as the said John Penn lessee as aforesaid hath above thereof complained against him, yet the said Charles Rider further saith that this Confession is by him made, subject to the opinion of the Court hereupon the following Statement of facts, to wit.

Matthew Purnells Lessee vs Charles Rider. } Station of Eastmont, Worcester County Court – May Term 1830

In this case it is agreed that William Purnell of Levi was in his lifetime seized and possessed of the lands mentioned in the plaintiffs declaration that he died seized thereof on or about the first day of April in the year of our Lord eighteen hundred and nineteen having first made his last Will and Testament in due form of law, a Copy of which is here inserted.

In the name of God Amen, I William Purnell of Worcester County and State of Maryland being desirous to settle all my worldly affairs do make and publish this as & for my last Will and Testament, in manner and form as follows to wit.

First I give and devise to my Wife Mellea the use and privilege of one third of the Land and plantation whereon I now live, with one third of the Land & plantation I bought of Isaac P. Davis during her natural life and no longer and a third part of all my negroes and this part of the money arising from the sale of my estate after the payment of all my just debts to her her heirs and assigns forever. It is also my Will & desire that my said Wife commit no waste of Timber on said lands and that she keep her third part of the above mentioned land under the directions of the Orphans Court.

Secondly. I give all my estate both real and personal to my daughter Sally Mariah, to her, her heirs and assigns forever except what is already given to my said Wife, which is intended to be in full discharge of her right of Dower of my Estate.

Item. I give and bequeath to my said Daughter Sally Mariah my large pair of Looking glasses with Mahogany Frames to her her heirs & assigns forever.

Item. It is my will and desire that in case my daughter Sally Mariah shall die without their lawfully begotten of her body then its my will and desire that all my real estate, and the following negroes to wit, one negro man named Stephen one do name Bill, one do name Daniel one do woman named Minta with her two children Peter and Isaac including all her increase from this date, five hundred dollars in cash my large pair of Looking Glasses with frames, and in case of the death of my said daughter Sally Mariah as above described I give all the above described property to William Purnell son of Milby Purnell to him his heirs & assigns forever.

Thirdly. In case my said daughter Sally Mariah should die as above mentioned and after my Wifes legacy and William Purnells legacy and all my just debts is paid, my Will and desire is that all the money arising from the sale including all the remaining part of my estate be equally divided between Levi Purnell, Thomas Purnell & Molly Purnell children of Milby Purnell to them their heirs & assigns forever.

And its my Will and desire that my Executors hereafter mentioned under the direction of the Orphans Court sell all my moveable estate except my negroes and the legacys within mentioned and that after my Wifes third part of negroes and William Purnells part of said negroes is paid over the remaining part of said negroes be equally divided between the within named Children of Milby Purnell namely Levi Thomas & Molly Purnell. And lastly I nominate and appoint my trusty friend Littleton R. Purnell to be whole Executor of this my last Will & Testament revoking and annulling all former Wills by me heretofore made ratifying and confirming this & none other to be my last Will & Testament. My Wish is that in case of the death or refusal of my friend Littleton R. Purnell that the Orphans Court

will appoint Dr. Isaac N. Purnell my Executor in his stead. In Testimony whereof I have hereunto set my hand and my Seal affixed this twenty fourth day of March eighteen hundred and nineteen.

William Purnell (Seal)

Signed, sealed published and declared by Wm. Purnell the above named Testator as & for his last Will and Testament, in the presence of us, who at his request in his presence and in the presence of each other has subscribed our names as Witnesses thereto.

Moses Purnell Littleton Bowens John P. M. Henry Joshua Hammond.

Worcester County to: The 23d. day of April Anno Domini 1819 then came Littleton R. Purnell and made Oath on the Holy Evangels of Almighty God that the aforegoing Instrument of writing is the true and whole Will and Testament of William Purnell of Levi late of Worcester County deceased that hath come to his hands or possession and that he does not know of any other. Before Matthew Hopkins Regr. Wills for Wor. Cty.

On the 23d day of April 1819 came Moses Purnell and Littleton Bowens two of the subscribing Witnesses to the aforegoing last Will and Testament of William Purnell late of Worcester County deceased and severally made Oath on the Holy Evangelly of Almighty God that they did see the Testator the said William Purnell sign seal and publish the Will and that they heard him publish pronounce and declare the same to be his last Will and Testament that at the time of his so doing he was to the best of their apprehension of sound and disposing mind memory and understanding and that they with John P. M. Henry and Joshua Hammond the five other Subscribing Witnesses respectively 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. Before Matthew Hopkins Regr. Wills for Wor. Cty.

I Amelia Purnell widow of William Purnell, late of Worcester County deceased do hereby renounce and quit all claim to any bequest or devise made to me by the last Will of my husband, exhibited and proved according to law, and I elect to take in lieu thereof my Dower or legal share of the estate of my said husband. Amelia H. Purnell

Sworn to the 26th. 1819. Turner Davis.

The above renunciation received & filed the 28th. day of June AD 1819. Test M. Hopkins Regr.

I hereby Certify that the aforegoing is a true Copy of the original Will & probate thereof of William Purnell deceased now remaining on file in the Office of the Register of Wills for Worcester County in Maryland.

Register's Office } In Testimony whereof I have hereunto set my hand & affixed the public seal of my Office this 14th. day of May Anno Domini 1830.

Lemuel P. Spence Regr. Wills for Worcester County

It is admitted that he left a daughter and only child named Sally Maria who was his heir at law, to whom the lands mentioned in the plaintiffs declaration were devised in manner and form as stated in the Will aforesaid. It is further agreed that the said Sally Maria was about one year old at the death of her father and that she died on the 14th. day of October in the same year her said father died without ever having any Guardian appointed for her. It is further agreed that after the death of the said Sally Maria William Purnell of Milby to whom the lands mentioned in the plaintiffs declaration were devised in the manner as aforesaid in said Will entered into the same and was possessed thereof, and that afterwards he duly executed a Deed for the same to the defendant in the Words and figures following, to wit.

In the Court of Worcester County among other matters and things it is contained as follows.

This Indenture made this thirteenth day of March in the year of our Lord one thousand eight hundred and twenty nine between William Purnell, of