Baltimore County, set:- On the 4th day of September 1821, came Sheldon Israel, one of the subscribing evidences to the aforegoing Codicil to the last Will and Testament of John Swan deceased and made oath on the Holy Evangely of Almighty God, that he did see the Testator sign and seal this Codicil, that he heard him publish pronounce and declare the same to be a Codicil to his last Will and Testament, that at the time of his so doing, he was to the best of his apprehension of sound disposing mind, memory and understanding and that he together with Mary Marbell the other subscribing evidences thereto, subscribed their names as witnesses to this Codicil in his presence at his request and in the presence of each other - Sworn to in open Court.-

Test, Wm. Buchanan, Reg.

We, the undersigned, appointed Executors in the last Will and Testament of John Swan, deceased, do hereby renounce our right to said Executorship and all right that we may have by virtue of such appointment.-

George M. Swan,
John Swan, Jr,
J. Swan,

In testimony that the aforegoing is a true copy taken from "Liber W.B.No. 11 folio 208 &c" being one of the Records of the office of the Register of Wills for Baltimore County.-

(Seal of Orphans Court and Register of Wills Baltimore County &c) I hereto subscribe my name and affix the seal of my office this ninth day of October in the year of our Lord, eighteen hundred and thirty eight.-

Test, D. M. Perine, Register of Wills for Baltimore County.-

Maryland, Ss.- I, James Harwood Presiding Justice of the orphans Court for Baltimore County in the State aforesaid, do certify that the aforegoing attestation of David M. Perine, Register of Wills for said County is in due form and by the proper officer.- Given from under my hand at the City of Baltimore, this ninth day of October, in the year of our Lord, one thousand eight hundred and thirty eight.-

James Harwood.-

The plaintiff also offered the will of Robert Swan deceased.- In the name of God, Amen: I, Robert Swan of Allegany County and State of Maryland, being weak in body, but of sound and disposing understanding, calling to mind the frail tenure of this life, do make and ordain this my last Will and Testament that is to say; first, I commend my soul to Almighty God who gave it and I commit my body to the earth to be decently interred at the discretion of the Trustees and Executors hereafter named; and as to such worldly estate as God in his goodness hath bestowed upon me, I give and devise in manner hereinafter mentioned, that is to say, I give and bequeath unto my brother James Swan of the City of Baltimore and Doctor James M. Smith of the Town of Cumberland, in trust the whole of my property, real personal and mixed, for the uses intents and purposes hereinafter mentioned, that is to say; in trust and charged with the payment of all my debts; and in case the Trustees aforesaid and executors hereinafter mentioned shall not receive from my estate or there shall not be due on the estate sufficient to pay my debts, that the said Trustees and executors hereinafter mentioned shall have full discretion and authority and are hereby empowered either to sell my personal property or any ~~any~~ part of my real estate at public or private sale on such terms as the for either of them may think prudent for the purpose of paying the same; and to convey to the purchaser or purchasers thereof such interest and estate as the said purchaser or purchasers may have contracted for. And I will, that the whole of my property as aforesaid shall be and is hereby vested in the Trustees aforesaid to hire, rent, lease and to sell

and dispose of the whole or part of the same at all times either at public or private sale and on such terms as they or either of them may in his or their discretion deem right and proper and they or either of them to have full power to convey to the purchaser or purchasers thereof such interest and estate as they or either of them may have contracted for with such purchaser or purchasers by deed or other instrument as their contracts and sales may require; and to receive the rents, hire and proceeds of sales aforesaid. And it is my Will and desire that either one or both of said Trustees aforesaid may do all and every thing required in this my will and that in case of the death or refusal of either one ~~one~~ of said Trustees to take upon himself the trusts aforesaid or hereinafter mentioned, then the survivor or other Trustee may and he is hereby empowered to do all and every thing required in this my will; and I hereby declare it to be my meaning and my will, that the acts, contracts and sales of any one of said Trustees shall be ~~as~~ valid and binding as if made and done by both. And I further will that the said Trustees or either of them shall have full authority and they or either of them are hereby empowered to execute all necessary deeds and conveyances for all land that I may have heretofore sold, conveying and transferring to the purchaser or purchasers thereof upon their complying with the terms of sale, such interest and estate as they may in equity and justice be entitled to. And I further will that the whole of my property aforesaid, the rents and proceeds of sale (if any sales shall be made by the Trustees aforesaid) shall be subject and is hereby charged with the easy, independant and comfortable support of my beloved wife and my three sons - John, Charles and Robert, and that if at any time there shall be more money in the hands of said Trustees than is necessary for the support and maintainance of my beloved wife Louisa and sons as aforesaid, that the same be put out at interest in such way and manner as the said Trustees may deem best; and that all the rents, money for hire and interest of the money arising from the sale or sales of my real and personal property, (if any sales are made by the Trustees or either of them as aforesaid) shall be paid over to and placed in the hands of my beloved wife aforesaid to be used by her for the support of herself and maintainance and education of my sons aforesaid until they shall respectively arrive at the age of twenty one years; and in case she may receive more than may be necessary for her support and the education and maintainance of my said sons, the same to belong to her to dispose of as she pleases. And I will and direct that when any one of my sons aforesaid said arrives at the age of twenty one, he shall be entitled to one undivided third part or share of my property real, personal and mixed in fee simple and free and clear of the trusts and charges aforesaid and hereinafter mentioned and the remaining part or parts of my property aforesaid still to continue vested in and under the control of said Trustees or either of them as aforesaid, with all the powers, rights and privileges confered upon them and contained in this my will and subject to the support of my said wife and maintainance and education of such son or sons as may be under the age of twenty one, and the rents, hire and interest aforesaid, to be paid over to and placed in the hands of my beloved wife aforesaid, to be used by her for the support of herself and maintainance and education of my said sons, and if more shall be received by her than is necessary for her support and the education and maintainance of my said sons, the same to be hers as aforesaid. And it is my will, that at the arrival of all my sons to the age of twenty one, then all the trusts, charges and all the rights and powers of said Trustees, and the trusts and charges aforesaid for the support of my said wife shall cease and determine. And I further