June Term 1858

"Joseph N Brown
Virginia Brown & others
vs
Henry Ellis"

In the Circuit Court for St Marys County.

Action of Ejectment

It is agreed in this case that the land in controversy called "Maiden Bower" and containing about one hundred acres belonged to Clement Brown who died about the year Eighteen hundred and thirty six, and having first duly made his last will and testament dated the twelfth day of December eighteen hundred and thirty five, a copy of which is herewith filed and made a part of this statement, That the plaintiffs are the heirs at law of said Clement Brown that the land in controversy, is all the real estate owned by the said Clement Brown except the tract of land called Lot No one, and which is bequeathed to John Francis Brown and Jane Rebecca Brown, that negro woman Beckey and her children and Elizabeth Ellen are free negroes left free under the will of the said Clement Brown and afterwards having been declared free by a Court of Competent Jurisdiction, and are all now living — the only question to be decided is whether under said will the land in controversy passed to any devisee mentioned in said will, or whether the said land was undisposed of by said will and passed to the heirs at law of said Clement Brown, All errors of pleadings are warned and it is agreed that a pro forma judgment may be entered either party having the right to appeal.

George C Morgan Atty for Plfs
Wm J Blackistone Atty for Defts

"The last will & testament of Clement Brown"

In the name of God Amen. I Clement Brown of Saint Marys County in the State of Maryland being in perfect health of body and of sound and disposing mind memory and understanding considering the certainty of death, and the uncertainty of time thereof and being desirous to settle my worldly affairs and thereby be better prepared to leave this world when it shall please God to call me hence I do make and publish this my last will and testament in the 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 by my Executor hereinafter named and after my just debts and funeral charges are paid I give and devise and bequeath as follows, I give devise and bequeath unto John Francis Brown and Jane Rebecca Brown the tract of land on which their mother now lives called Lot No One, a part of the Church Swamp to them and their heirs forever, Item I give and bequeath unto John Williams one pair Canoe and two pair of Oyster Rakes to him and his heirs forever, Item I leave all my personal estate to be disposed of by my Executor hereinafter mentioned except negroes — Item I leave the plantation on which I now live to be rented out Yearly.

Item I leave one negro girl Ellen to be hired out for ten years, one negro boy Thomas to be hired out for ten years and one other negro

June Term 1858

girl Nancy to be hired out for fourteen years by my Executor hereinafter mentioned, and then set free under the protection and care of my Executor. Item I leave my negro woman Beckey Elizabeth Eleanor and James Henry free them and heirs forever under the protection and care of my Executor hereinafter mentioned. Item I placed seven hundred dollars in the hands of Thompson D. Hayden to purchase a negro man for me, should it be so he is to be hired out for seven years and then set free by my Executor herein after mentioned under his protection and care — I leave my house to be repaired by my Executor from the income of my real and personal estate.

Item I leave my negro woman Beckey and her children a reasonable support to be given by my executor hereinafter mentioned from the income of my real and personal estate as long as she shall live, at her death I give to Elizabeth Ellen all the income of my whole estate real and personal to her and her heirs forever. to be paid over yearly by my Executor hereinafter mentioned, except there should be any one among them not able to support themselves then the must have a support, — I also leave Elizabeth Ellen one bed and bedstead, one pair of sheets two pillows and bolsters, two counterpains to her and her heirs forever to be paid over by my Executor hereinafter mentioned.

Item I give to Charles Hayden (of Bartholomew) the sum of one hundred dollars and ten per cent on all money received by him and his heirs forever and lastly I do hereby constitute and appoint Charles Hayden (of Bartholomew) sole Executor of this my last will and testament revoking and annulling all former wills by me heretofore made, ratifying and confirming this and none other to be my last will and testament. In witness whereof I have hereunto subscribed my name and affixed my seal — twelfth day of December in the year of Our Lord eighteen hundred and thirty five

Signed sealed published and delivered by Clement Brown the above named testator as and for his last will and testament in the presence of us who at the request and in his presence and in the presence of each other has subscribed our names as witnesses to the same.

Clement Brown (Seal)

Ja A Mattox. John J Milton Thomas D. Hayden.

Saint Marys County to wit, the 27th day of September 1836.

The last will and testament of Clement Brown late of Saint Marys County deceased being exhibited for probate to the Register of Wills of Saint Marys County in the recess of the Orphans Court, and it appearing to me that notice had been to Gustavus Brown a brother of the deceased by a summons returned "Summoned" of the time of exhibiting the said will and the said Gustavus Brown appearing into the Register of Wills office and opening