ted; and that the said Terrence O'Byrne may be decreed to pay the said legacy or in default of payment thereof that the Real Estate devised as aforesaid to him or so much thereof as may be necessary may be sold for the payment of your Orators claim with interest as aforesaid and that a Trustee may be appointed to make said sale and that your Orator may have such further or other relief as his case may require. May it please your Honor to grant unto your Orator the Writ of Subpoena against the said Terrence O'Byrne of Washington County commanding him to appear in this Court in person or by Solicitor at some certain day to be therein named to answer the premises and abide by and perform such Decree as may be passed therein and as in duty bound &c.

J. S. Claggett Solicitor
for Compt (In propria persona)

The following is the Exhibit marked "A" mentioned and referred to in the foregoing Bill of Complaint Court,

In the name of God Amen. I Dennis O'Byrne of Washington County in the State of Maryland being impressed with the great uncertainty of human life and being sick in body but sound and disposing memory have made ordained published and declared and by these presents do make ordain publish and declare this for my last Will and Testament hereby revoking and annulling all and every other Will heretofore made by me.

After paying all my just debts and funeral expenses I dispose of my worldly effects as follows.

In the first place it is my Will and desire that both my tracts of land viz: that on which I now reside being part of the tract known as King Cole and that now occupied by Mr Harper being part of "Keep Trust" shall remain in the custody possession and control of my wife Amelia to be by her managed controlled and directed as shall to her seem best for the benefit and support of my children until my son Terrence shall obtain the age of twenty one years or would have attained that age unless my wife Amelia shall marry die or my Executors hereinafter named shall otherwise direct. And if my said wife Amelia shall die marry or my Executors shall think that the interest and happiness of my children require a separation of them and their interests from her and her interests then it is my Will and desire that my Executors shall sell all the Stock, farming utensils and furniture then remaining upon the farms hire out the negroes Except Lucy, rent out the lands and apply the proceeds of the sales. hire of the negroes and rent of the lands after paying an annuity to my said wife of one hundred Dollars apply the balance to the mutual and equal benefit support and Education of my said children. And in consequence of the present and apprehended affliction of my daughter Mary Jane I give and bequeath to her in addition to any and all other provision made for her my negro Girl Lucy aged about Eleven years with power to hire her out to receive and apply the hires as shall to her seem best, but if Lucy shall have a child or children I desire that my daughter Ann Catharine shall have the first child she have that lives to be one year old. When my son Terrence obtains or would

have obtained the age of twenty one years, I desire that all my furniture farming utensils stock &c. shall be sold and one third of the proceeds paid over to my wife and the balance to be Equally divided amongst my children. I next give and bequeath to my Eldest son Terrence O'Byrne, all that tract of land being part of "King Cole" on which I now reside lying and being in Washington County in the State of Maryland to have and to hold the same to himself his heirs and assigns forever, subject to such bequests as are herein charged upon it. I also give to my said son Terrence a Negro man Singleton both these bequests being subject to the proceeding provisions of this Will. I next give and bequeath unto my daughters Mary Jane, Ann Catharine and Charlotte O'Byrne Each the sum of one thousand dollars the interest on which shall be paid to them by Terrence my said son from his maturity until they shall respectively marry or attain the age of twenty one years at which times and within six months thereafter he shall pay to Each as she marries or attains that age the sum of five hundred dollars and the remaining five hundred dollars within Eighteen months after her marriage or maturity and these sums and the interest I charge upon the land given Terrence. I next give and bequeath unto my two other sons Cunningham and Thomas all that tract of Land being part of Keep Trust lying and being in Washington County in the State of Maryland to have and to hold the same unto themselves their heirs and assigns forever to be Equally divided between them. This bequest is also subject to the proceeding provisions of this Will.

And after my son Terrence attains or would have attained the age of twenty one years and the division of the property consequent thereon takes place if my said Wife shall then be living it is my will and desire that she shall receive during her life the sum of one hundred dollars annually of which I charge fifty dollars per annum upon the lands of my son Terrence and fifty dollars the balance upon the lands devised to my sons Thomas and Cunningham. I appoint my trusty friend A. K. Marmion of Harpers Ferry and Gerard B. Wager of the same place to be my Executors of this my last Will and Testament and Guardians of my children. But it is my Will and desire that my said Executors shall not be require to give security upon their Executorial bond but shall give their own bonds in such sums and with such conditions as shall be fit and proper and according to law. Upon further reflection I desire that the sum of one thousand dollars bequeathed to my daughter Charlott shall be paid to her by my sons Thomas and Cunningham in the same manner as it was to have been paid her by Terrence and I charge the said bequest and interest upon their lands instead of his. In testimony whereof I have hereunto set my hand and affixed my seal the 29th day of December 1841.

Dennis O'Byrne

Signed Sealed published and declared by Dennis O'Byrne the above named Testator and his last Will and Testament in the presence of us who at his request and in his presence and in the presence of Each other have subscribed our names as Witnesses thereto

William Francis Fitzimmons, W. Magraw, Geo E. Stonebraker,

Maryland Washington County, S.S. On this 1st day of March 1842