marriage with Joseph Ward under whom the plaintiff claims title to the lands in question as heir at law, which the court were of opinion was admissable and directed to be read to the Jury to which opinion the Defndants council prayed leave to except and that the Court would sign this bill of exception according to the Statute in such case made and provided which is accordingly done this 20th day of July 1791

Edward Burgess (seal) Arch Campbell (seal) Joseph Wilson (seal)

Joseph Ward vs Henry Oneall summons in partition the plaintiff in this case claimed title to the lands in question as heir at law to Joseph Ward deceased and read in evidence to the Jury the will of Joseph Ward deceased in the words following to wit; In the name of God, Amen. I Joseph Ward of Montgomery County and State of Maryland being at this time in a very sick and low state of health, and calling to mind the certainty of death to all flesh, but blessed be God of perfect and sound sense, memory and understanding do make this my last will and Testament renouncing and disallowing all or any will or wills heretofore made, and first I recommend my soul to Almighty God who gave it me, in full hopes tho' my sins be great and grievous, that through the mediation of my glorious redeemer Jesus Christ to be redeemed from them, and accepted by him who is able to save to the utmost those that believe and as to my body I desire it to be decently buried at the discretion of my executrix hereafter named secondly I desire that all my just debts and funeral charges be justly paid, thirdly I give and bequeath to my loving wife Anny Mary Ward during her widowhood all my lands but in case she should marry or take another husband my desire is that she take one third only and that in what part of the land she pleases so that she leaves out one of the springs, and after her decase I give all my lands to be equally divided between my three sons to wit Benjamin Ward, Joseph Ward and John Ward in quantity & quality — and to prevent Law suits between my sons in case they should disagree in the division, my desire is that it be divided by three discreet neighbours, and what division they make is the land I give to them their heirs and assigns for ever, and in case of any or either of them die without a will or heirs of their bodies to be equally divided between the survivors I give and bequeath unto my son Benjamin Ward a negro man slave named Daniel one feather bed and furniture to him his heirs and assigns for ever.

I give and bequeath to my son Joseph Ward a negro lad slave named David, and one feather bed and furniture to him his heirs and assigns for ever. I give and bequeath to my son John Ward a negroe slave named Denboe and one feather bed and furniture to him his heirs and assigns for ever. I give and bequeath to my Daughter Elizabeth wife of William Spencer during her natural life a negro woman named Hannah to wait on and do for her during her natural life she the said wench Hannah is not to be sold hired nor disposed of any other ways nor means whatsoever and in case that she my said Daughter or any other person should do or act contrary to this my will my desire is that she be taken away from my said Daughter, put up to sale among my other children the said negro Hannah and her increase and the money arising from said sale to be equally divided among my other five children but in case she should keep her during her life in that case I after her decease give the said negro wench Hannah and her increase to her heirs for ever. I give, and bequeath to my Daughter Ann Ward a negro girl named Doll, a feather bed and furniture to her her heirs and assigns for ever, and all her future increase as above to her, her heirs and assigns for ever, I give and bequeath to my Daughter Mary Ann Ward a negro girl named Nell, and a negro boy named Jere and the future increase of said Nell one feather bed and furniture to her, her heirs and assigns for ever. I give and bequeath the rest in other slaves that I am possessed of to my loving wife during her natural life and after her decase my will is that they and their increase be equally divided among my children to wit. Benjamin, Joseph and John sons Ann and Mary Ann and in case Elizabeth wife of William Spencer should have any I give him her or them that is to say the sixth part in the same manner and form as I gave her Hannah and no other way whatever as the rest or remaining part of my estate that is not willed my desire is that first my loving wife take one third in what she likes best and the other two thirds to be equally divided among my sixth children aforesaid share and share alike, and lastly I constitute, appoint and authorize my loving wife Anne Mary Ward whole and sole executrix of this my last Will and testament, In witness whereof I have hereunto set my hand and seal this 18th August 1780. Jos. Ward (seal)

Signed, sealed published pronounced and declared by the said Joseph Ward this instrument of writing to contain his last Will and Testament in our presence and at his request who whose names are hereunto subscribed did sign the same and in presence of each other

Aeneas Campbell, Patrick his + mark Haughertony, Bennett Greenwell, Jonathan O'Goldsberry. And proved the marriage of Anna Maria Ward the

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