upon the Country, and so forth; Therefore let a Jury thereon appear before the General Court here on the Second tuesday of October next by whom, and so forth; and who neither and so forth; to recognize and so forth; because as well and so forth, the same day is given to the parties aforesaid then and there and so forth. —

At which said second Tuesday of October being the ninth day of the said month in the year of our Lord one thousand seven hundred and ninety two, come again into the General Court here as well the said John Worthy lessee of the said Daniel Stull by William Cooke and Luther Martin his Attornies as the said Cephas Beall by Robert Smith, his Attorney. - And the Jurors of the Jury whereof mention is within made not being called do not come; Therefore as before let a Jury thereon — come before the Court here on the Second tuesday of May next, by whom and so forth; and who neither and so forth; to recognize and so forth because as well and so forth, the same day is given to the parties aforesaid then and there and so forth. —

At which said second Tuesday of May being the fourteenth day of the said month in the year of our Lord One thousand seven hundred and ninety three, come again into the General Court here as well the said John Worthy Lessee of the said Daniel Stull by William Cooke and Luther Martin his Attorney's as the said Cephas Beall by Robert Smith his Attorney; And the said Cephas Beall by his Attorney aforesaid saith, that he cannot deny the said action of the said John Worthy Lessee as aforesaid, nor but that he the said Cephas Beall is guilty of the trespass and ejectment aforesaid, in manner and form as the said John Worthy lessee as aforesaid, hath above thereof complained against him; yet the said Cephas Beall further saith, that this confession is by him made subject to the opinion of the Court here upon the following Statement of facts, to wit. —

Daniel Stulls Lessee against Cephas Beall Ten.t	It is agreed that John Stull the Grandfather of the Lessor of the Plaintiff being seised in fee Simple of the premises in the Declaration of — Ejectment mentioned called Whishey did by his last

Will and Testament duly executed and published devise in the following words to wit - In the Name of God Amen, the seventeenth day of April in the year year of our Lord one thousand Seven hundred and forty nine nine. I John Stull of Frederick County & province of Maryland Miller being in perfect mind and memory thanks be given to Almighty God —

God therefore, and calling to mind the mortality of my Body and knowing that it is appointed for all men once to Die do make and appoint this my last Will and Testament that is to say, Principally and first of all I give and recom= -mend my soul unto the hands of God that gave it and for my Body I recommend it to the Earth to be Buried in a Christian like and decent manner nothing Doubting but at the General resurrection I shall — receive the same again by the mighty power of God, and as Touching what Wordly estate it hath pleased God to Bless me with in this life I do give devise and dispose of the same in the following manner and form. — Imprimis I give and bequeath unto Martha Stull my beloved Wife one half of all my stock of Cattle, Horses, Mares, hoggs and sheep and all my household Stuff as Beding and all Furniture belonging to my house; and further I do give unto her my beloved Wife for and — during her term of life one half of my Plantation whereon I now live called Whishey and one half of my Mills and Stills thereon allowing her to be at one half the whole expence in keeping them in Good Repair; and also I do give unto her for and during Term of life as — aforesaid one half of my Slaves (excepting what I shall hereof entirely dispose of to my Children to be in her service and at her command for what time it may please God that she lives and that she shall not have it in her power or any advantages that may to her appear to dispose of them in any other way, neither slaves nor premises than only in her use on that plantation called Whishey and at her decease that they Viz. The Slaves and premises shall be the Property of my Son Daniel Stull and further I give to her my beloved Wife all the Children from the date hereof that Negro Nan & Negro Hester White bear & have to be her own and entirely at her disposal as she thinks proper. - Item I do give and bequeath unto my Son Daniel Stull all that tract of Land called Whishey with all the additions ever by me thereunto said with all the improvements and appurtenances thereto belonging Mill and Stills and all whatsoever and one half of my Stock of Cattle, horses, Mares, Hoggs and Sheep and all my plow Tackling & axes, hoes Waggon & waggon Tackling and all Tools whatsoever that are properly mine on that Plantation called Whishey and all the — money due to me at my decease; I do give to him, and further I do give to him Negro Peter and Negro Nan which I do will and have given on half their labour to my wife also one half of Whishey with the appur= -tenances thereto belonging and at her decease to be all entirely his untill