October Term 1805.

Richard Molyneaux of Charles County in the said Province to him and his heirs forever but in case of his death before mine or his not having disposed of it before his death either in whole or in part then I give and bequeath my said estate both realle and personalle or the part remaining above said undisposed of to my well beloved friend James Guin of Queen Anns County to him and his heirs forever. Item, I constitute and appoint the same Richard Molyneaux or in case of his death as above the said James Guin my whole and sole executor of this my last will and testament in whereof I have hereunto set my hand and seal this sixteenth day of June ann: Dom: 1737.

George Thorold (Seal)

Signed Sealed and Delivered and published to be his last will and testament in presence of James Whitegreave, Robert Harding, Arnold Livers Junr. Vincent Philips, On the back of the aforegoing will was thus written viz.

Charles County S: On the twenty second day of November 1742 came the Revd. Messieurs Robert Harding, and Arnold Livers Junr. two of the Subscribing Witnesses to the within will and made oath on the holy evangelists that they saw George Thorold the testator sign the said Will and heard him publish and declare it to be his last will and testament and that at the time of his so doing he was of sound and disposing mind and memory to the best of their of their judgments and that they together with Thomas Whitgrave and Vincent Philips the other two subscribing witnesses signed their names thereto in the presence of the testator and at his request,

Before Walter Hanson D. Commy.

In Testimony that the within is a true copy taken from one of the Record Books in the late prerogative Office I have hereto set my hand and affixed the seal of my Office this 30th. day of May in the year of our Lord 1801.

Register of Wills Seal

John Gassaway Reg. of Wills A. A. County.

And afterwards the said George Thorold died in possession thereof and the Plaintiff further gave in evidence that the said Richard Molyneaux the devisee therein named in virtue of said will entered into and was possessed of said land, and afterwards the said Molyneaux duly made and published his last will and testament as follows to wit: In the name of god amen I Richard Molyneaux of Charles County in the province of Maryland being in good health and sound memory god be praised, but uncertain how long I may continue so, do constitute and make this my last will and testament in manner and form following. Imprimis I bequeath my soul to almighty god in whose mercys I place my hopes and my body to the earth to be decently interred at the discretion of my executor hereafter mentioned. Item. I bequeath all my real and personal estate (my just debts first discharged) wheresoever and of what denomination soever to my well beloved friend Mr. George Hunter of Charles County or in case of his death before mine to my well beloved friend

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Mr. Benedict Neale of Baltimore County. them their heirs executors administrators or assigns for them and their use and behalf forever. Item. I do constitute and appoint my whole and sole executor of this my last will and testament my beloved friend Mr. George Hunter, or in case of his death as above my beloved friend Mr. Benedict Neale. In Witness whereof I have hereunto sett my hand and seale this twenty eighth day of April Anno Domini One thousand seven hundred and forty nine.

Richard Molyneaux (Seal)

Declared to be the last Will of the above Richard Molyneaux in the presence of us.

Robert Harding
Daniel Carroll Junr.
Robert Brent Junr.

On the back of the aforegoing will was thus written viz:

Ann Arundel County to Wit: November 28th. 1767 Came Robert Brent Senior one of the Subscribing evidences to the within will and made oath on the holy evangells of almighty God that he he saw the testator therein named sign and seal this will and that he heard him publish pronounce and declare the same to be his last will and testament and that at the time of his so doing he was to the best of his apprehension of a sound and disposing mind memory and understanding and also that he subscribed his name as an evidence to said Will in the presence and at the request of the said testator and that he also saw Robert Harding and Daniel Carroll Junr. sign their respective names as witnesses thereto in the presence and at the request of the testator and in the presence of each other.

Sworn Before, Elie Vallette Regr.

Ann Arundel County to Wit. May 24th. 1768. Came Daniel Carroll Junior one other of the Subscribing witnesses to the within will and took the same oath taken above by Robert Brent Junr.

Before Elie Vallette Reg. C.

In Testimony that the within and foregoing is a true copy taken from Liber W. D. No 1, folio 261 and 262 one of the Record Books in the late Prerogative office. I have hereto set my hand and affixed the Seal of my Office this third day of May in the year of our lord 1805.

Register of Wills Seal

Jnr. Gassaway Regr. of Wills A. A. County.

And the Plaintiff further gave in Evidence to the Jury that the said Carroll, Thorold, Molyneaux, Guin, and Hunter in said several Wills named were severally Roman Catholic Clergymen. The Plaintiff also gave in evidence the Depositions in this cause filed and referred to in the preceeding bill of exceptions and also set forth in the record and proceedings in this cause. Whereupon the Defendant by his Counsel prayed the Opinion of the Court and their directions to the Jury that the will of Molyneaux did not operate to pass a fee simple estate to Hunter the devisee in the said Will named so as to enable him to devise the same by will but that on his death the fee simple estate in the