his last Will and Testament, in the presence of three Credible Witnesses who subscribed their Names, as Witnesses, thereto, and in the Presence, and at the request of the said John Smoot, and by the said Instrument of writing, did profort, to bequeath, devise and dispose of the whole Estate of him the said John Smoot, both real, and personal, without exception of any part thereof, as by the same Instrument of writing annexed to these presents, which your said Libellants, pray may be taken, and deemed, to be a part of this their libel, reference being thereto had, may more fully appear, your said Libellants further shew, unto your Worships, that at the time of the making, and execution of the said Instrument of Writing, to wit, on the said twenty seventh day of August, in the year aft, the said John Smoot, the Testator, was a Widower, unmarried, and had, then and there four Children, to wit, two Sons, and two Daughters, living and surviving named severally, Catharine, John, Henry, and Amelia, the lawful Issue of a former, intermarriage, for whose entire benefit and provision, the said John Smoot did profort by the same Instrument of Writing, to dispose of, bequeath, and devise his whole Estate both real, and personal, in the respective Shares, and proportions in the same Instrument of Writing, mentioned, except a few small intended Donations, which were profported by the said Writing, as Legacies for other persons, named, in the same. Your Libellants further shew, unto your Worships, that afterwards that is to say, on or about the twenty day of April, in the year one thousand, eight hundred, and Ninty, the said John Smoot in consideration of a marriage, which was about to be had and solemnized, between the said John Smoot, and a certain Elizabeth Parker, formerly the aft Elizabeth Smoot, while she was sole, did duly make, and execute a certain Instrument in Writing together with the said Elizabeth while she was sole, which said Instrument of Writing the said Elizabeth while she was sole, did then and there also make, and execute, by which said Instrument of Writing the said John Smoot and the said Elizabeth while she was sole did mutually promise Covenant, and agree to and with each Other, in such manner, and form, as in and by the same Instrument of Writing, which is annexed to these presents, and which your said Libellants, pray may be taken, and deemed as a part of this their Libel, reference being thereto had, may more fully and at large appear, and that afterwards to wit, the same day and year last aft, at the County aforesaid a marriage in due form of Law, was had, and solemnized, by and between the said John Smoot, and the said Elizabeth which continued firm, and unimpeached, and that the said John Smoot & Elizabeth his Wife, had Children of the said Marriage and that your Libellants aft are the Children, and the Children, to wit, the Sons & Two of the legal Representatives of the said John Smoot by virtue of his Intermarriage aft with the said Elizabeth



his wife, to wit at the County aft your said Libellants further shew unto your Worships, that after the making and execution, of the Instrument of writing herein before mentioned, and long, before the Death of the said John Smoot two of his said Children by his former intermarriage, to wit, the said Henry and Amelia for whom respectively, ample provisions, were profported by the same Instrument of writing, did to wit at the County aft and your Libellants further shew, unto your Worships, that after the making and execution of the same, Instrument of Writing herein before first mentioned, and after the same intermarriage of the said John Smoot, with the said Elizabeth his Wife, and before the Death of the said John Smoot, to wit on divers several days, and at divers several times, between the two last mentioned Periods, the said John Smoot did solemnly say and declare, that the same Instrument of Writing the profporting to be his last Will and Testament, was not his last Will and Testament, and that the Devises, and bequests, herein profported to be contained, were not the Devises, and Bequests which wished and intended to be made of his Estate either Real or personal, and that he deemed, and considered the same Instrument of Writing as null, and void, that he intended to make a very different disposition of his Estate, and thereby to afford desirable Provisions, for his Younger Children your said Libellants, and in the Execution of his Intentions, did literally proceed so far, as to break, and cancel the Seal of the said Cover, in which he had enclosed, and sealed the same Instrument of Writing to wit, at the County aft all which said transactions, sayings and proceedings that is to say, the Terms, and Covenant of the said Instrument of Writing entered into as aft by and between the said John Smoot and the said Elizabeth while she was sole, subsequently to the Marriage making and executing of the said Instrument of Writing herein before mentioned, and the Subsequent Marriage of the said John Smoot, with the said Elizabeth, and the having of Children by virtue of the said Intermarriage between the said John Smoot and the said Elizabeth his Wife, to wit, your Libellants, and the Death of the said Henry and Amelia aft two of the said Children, by the former Intermarriage of the said John Smoot, for whom respectively ample provision were intended by the same Instrument of Writing. And the repeated, and solemn Declarations of the said John Smoot herein before mentioned, with respect to the same Instrument of Writing, and of his intentions, with respect to the disposal of his real, and personal Estate, and his proceedings aft in breaking the Seal of the Cover, in which the same Instrument of Writing had been sealed up and enclosed, your said Libellants conceive, and aver to be such an essential Alteration of the Circumstances, and Sentiments of the said John Smoot since the making, and execution of the same Instrument of Writing, as to amount in Law to a revocation of the same Instrument of Writing, profporting as aft to be the Last Will and Testament