of the same John Smoot, also mentioned in the said Libel and Answer died after the said second Marriage within Month following, that after the death of the same John Smoot, and after the Execution of the said Libel towit in the Months of January & February following the said Elizabeth Smoot the Wife of the same John Smoot was delivered of another Son named John Henry Smoot who is now living and surviving, that after the making and executing the Instrument of Writing purporting as mentioned in the said Libel and Answer an the last Will and Testament of the same John Smoot, he the said John Smoot purchased and contracted for the purchase of sundry Lands and Tenements as well now fully appear by the several Deeds and Bonds executed for the Conveyance, or for securing conveyance thereof which said Deeds, & Bonds are hereto annexed and referred to and Considered as Evidence in this Cause, that during the former intermarriage of the said John Smoot, with his first Wife, he made several Wills, and that he usually made a new Will upon the birth of every Child of such former intermarriage

Jno Hand Hammond for Libellants
Thos J Bullitt for the Respondents

Whereupon all and singular the Libel, Answer Replication Depositions and Exhibits & Proceedings &c, being by the Court here seen and fully understood and matured Deliberation being thereof had, it is this eighteenth day of March in the year Seventeen hundred and ninety five by the Justices of the Orphans Court of Dorchester County &c adjudged considered, and decreed, that the Libel &c of the said Robert Smoot, and Joseph Smoot be dismissed, and that the said Instrument of Writing in the Libel &c first mentioned be recorded, and admitted by this Court, as and for the last Will and Testament of the said John Smoot deceased, and that the same be proved, approved and recorded in the Registry of this Court as and for such last Will and Testament, and that Letters Testamentary be granted to the said Joseph Douglass and Alexander Douglass the Execs therein named, and it is further Ordered, and Adjudged and Decreed that the said Elizabeth Smoot, the Mother and next friend of the said Robert and Joseph Smoot do pay and satisfy unto the said John Sydenham Cupper & Catharine his Wife late the said John Smoot the Son & to the said Joseph Douglass, and Alexander Douglass the Respondents &c, their several Costs and Charges by them Paid, laid out and expended, in their defence of the Libel &c as the same shall be taxed by the Register of this Court, which said Costs and Charges amount to the quantity of two thousand seven hundred, and forty three pounds of Tobacco, and that the said Respondents be dismissed from hence with their Costs and Charges &c to them Adjudged in manner & form &c. &c. &c.

Whereupon the said Robert Smoot, and Joseph Smoot, by the said Elizabeth Smoot their Mother and next friend pray that they may Appeal from the Judgment, and Decree &c to the Judges of the General Court, and to them the same is granted, and it is thereupon ordered that the Record and proceedings &c together with all and singular the Libel Answer and Replication & Depositions and Exhibits &c be transmitted by the Register of this Court to the Judges of the General Court, at a Court to be holden by them for the Eastern Shore of this State at Easton in Talbot County on the second Tuesday of April, that the Judges thereof may proceed therein as to Justice Appertaining &c

Jno Goldsborough Reg. Wills D County

It is agreed between the parties &c, and their Counsel, that the Libellants may prosecute their Appeal without entering into Bond for the prosecution thereof, and that no Attachment or Execution shall issue on the Decree of this Court for want thereof

Jno Goldsborough Reg. Wills D

Dorchester County, to wit I hereby certify to whom it doth or may concerne, that the foregoing Transcript is duly taken, and truly copied from the Records and proceedings of the Orphans Court of Dorchester County, from Liber G. No 8 folio 255 to 296 In Testimony whereof I have hereunto subscribed my name and affixed the Seal of my Office this 15 day of April Anno Domini 1795

(Seal of Office)

Jno Goldsborough Reg. Wills D County

And now come hereunto the General Court the said Libellants by Nicholas Hammond Esquire their Attorney, and likewise the said Respondents by Thomas James Bullitt Esquire their Attorney and thereupon on Motion on Motions of the said Respondents, the said Libellants are prayed to assign the Errors in the Record and Proceedings of the Judgment &c brought before the Court here, for correcting the Errors supposed to be therein & Judgment by the Court here will be entered &c. Whereupon the said Libellants prayed that a day may be given &c until the second Tuesday of September next, and to them it is granted, the same day is given to the said Respondents then &c. At which said second Tuesday of September Anno Domini 1795 came again, into Court here, the parties &c by their Attorneys &c, and the said Libellants (here insert General Errors assigned — jointly & Rule Argument) but because the Court here are not advised to give their Judgment, of and upon the premises &c, day therefore is given to the parties &c before the Court here, until the second Tuesday of April next to hear their Judgment of and upon the premises &c. At which said second Tuesday of April Anno Domini 1796 came again into Court here the parties &c by their Attorneys, and because the Court here, are not sufficiently advised to give their Judgment of and upon the Premises &c, day therefore is given to the said parties until the