

and the said Administrators do in such case being required render and Deliver up her
 Letters of Administration. Then this obligation to be void or else to remain in full force
 Sealed and Delivered }
 in the presence of }
 Alex Moore Regr wills John Tietze
 Ann Norris Seal
 William Derrough Seal

18
 A Session of the Orphans Court for the
 County of Alexandria in the District of Columbia the 20th day
 of January one thousand eight hundred and fourteen
 Present Robert Young Esquire Judge
 Alexander Moore Register
 An Instrument of writing dated the 20th day of January 1814, in
 these words to wit: In the name of God Amen I Richard Cummings
 of the County of Alexandria and District of Columbia do hereby certify and confirm this as my last
 will and testament revoking all others To wit: I Henry Spivey do bequeath to my
 faithful nurse John Phipps all my wearing apparel and furniture, to him and his
 heirs forever. I Henry Spivey do bequeath to the poor of the Town of Alexandria under the di-
 rection of the Common Council five hundred dollars to be by them applied in the way that they
 shall think most conducive to their benefit. I Henry Spivey do bequeath to my beloved
 friend Charles Matthews and Thomas Howard the residue of my Estate real and
 personal of whatever consisting or otherwise found to them and their heirs forever, trusting
 that they will give me a decent burial with a monument at Stone's Corner at my
 name together with my age and the time of my demise. Lastly I do hereby appoint
 my above named friends Charles Matthews and Thomas Howard sole Executors of this my last will
 and testament. Given under my hand and Seal this twentieth day of January one thousand
 eight hundred and fourteen. Richard Cummings Seal
 Signed and Sealed in presence of Jacob Donly James Little William Mills.
 Purporting to be the last will and testament of Richard Cummings late
 of the County of Alexandria deceased, having been heretofore filed in
 the Register Office for probate by Charles Matthews and Thomas
 Howard the Executors therein named and a caveat against the said
 Instrument having been filed by John Cummings Kelly Black, John Henry
 and Peggy his wife and William Henry by Thomas Swann their Attorney
 in the following words: To the Orphans Court of the County of
 Alexandria, The Petition of John Cummings Kelly Black, John
 Henry and Peggy his wife and William Henry by Thomas Swann

their Attorney respectfully represents. That your petitioners have
 & understand that a certain instrument purporting to be the
 a last Will in Testament of Richard Cummings deceased, hath been
 exhibited by Charles Hankins and Thomas Wood, to the
 Orphans Court of Alexandria County for Probate, but that
 the said Court hath not yet acted upon the said Probate.
 altho' it is now ready as they have been informed to receive the same.
 Your Petitioners alleged and as ready to prove that they are
 the near relations and next of kin of the said Richard Cummings
 & die & as such would in case of his intestacy be entitled to his
 Estate, but they also alleged that subsequent to the period when
 the instrument purporting to be his will and exhibited
 was a fraud for purposes made, & the said Richard Cummings
 duly made his last Will and Testament which is herewith exhibited
 and prayed to be taken as a part of this their Petition. Your
 Petitioners alleged that by this last Will your petitioners and
 others therein mentioned became entitled as legatees of the said Richard
 Cummings dec'd to his personal Estate and they claim the same
 under the said Will. If on the contrary the Court should be of
 opinion that the Will offered by your petitioners as a fraud should not
 and law be sufficient to pass the interest to your Petitioners and others
 as therein mentioned, then your Petitioners in behalf of themselves do
 allege that the instrument of Writing exhibited for probate as
 a fraud by the said Hankins & Wood is not the will of
 the said Richard Cummings dec'd. That if such instrument
 of Writing was executed by the said Richard Cummings deceased
 which your petitioners do not admit that the same was unduly ob-
 tained, and they pray that an investigation may take place as to the
 matters aforesaid, and that until such investigation shall take
 place that no probate be granted upon the said instrument
 purporting to be the said Hankins & Wood.

The Sworn in behalf of the Petitioners

the another instrument of Writing bearing date the 21st day
 of January 1814, in these words "Richard Cummings of
 Alexandria & Maker of this my last will and Testament in writing following
 & signing full power wills signed at any time heretofore made.
 I direct I devise to the St Andrews Society of Alexandria, the sum of
 five hundred dollars, which I direct my Executors to pay to the Treasurer
 of that Society, to be applied to the use of the poor of the Town of
 Alexandria generally in such manner as the said Society shall deem
 most beneficial. Secondly I direct to the Rev. James Muir Minister
 of the Presbyterian Church to the Women & Richard D. Tidings
 Minister of the Methodist Church the sum of five hundred dollars, to be
 applied by them to the use of the poor of the town of Alexandria
 generally at the discretion of the said Ministers.
 Thirdly I direct to Capt James M. King, Dr Charles Hankins, Jacob
 at Barty, Ambrose Sapse, Daniel M. Lee & James Potter, Philip G.
 Master John Wood, Richard Tidings, and Isaac Robbins, legacies
 five hundred and fifty dollars each, to be paid by my Executors
 as soon as convenient.

Fourthly, the residue of my Estate except my debts I direct to be equally
 divided amongst my brother John Cummings, of Sapsehire, my sister Mary
 at Black (widow) of her borough, my brother-in-law James Henry of Newbury
 my sister Peggy wife of the said James, and a William Henry brother of the
 said James, all of Scotland, or amongst such of them as are now living.
 Fifthly, I direct my Executors to give my clothes to such persons as
 they shall think most attentive in attending on me during my illness.
 Lastly I appoint Isaac Robbins, Mordecai Miller, and Daniel
 M. Lee Executors of this my will. Subscribed by me this
 21st day of January 1814 Richard Cummings
 "I acknowledge & before R. D. Taylor"

Also purporting to be the last will and Testament of the said Richard
 Cummings having been heretofore filed in the Register Office at

by Isaac Robbins, Mordcai Miller and Daniel McLeod
 the Executors therein named and in Civil action against the said Instru-
 ment having been filed by Charles Munkins, Thomas Hood and
 John Phipps by Edmund Lee their Attorney in the following
 words: "To the Judge of the Orphans Court for the County
 of Alexandria in the district of Columbia in the district of Columbia,
 a Petitioner of Charles Munkins, Thomas Hood, and John Phipps
 co by Edmund Lee their Attorney respectfully states that your
 petitioners have understood, that a certain instrument of writing purporting
 to be the last will and Testament of Richard Cummings deceased, hath
 been exhibited by Isaac Robbins, Mordcai Miller and Daniel McLeod
 for probate to the Orphans Court but which hath not been received upon
 by the said Court, which said probate last will bears date
 in the 24th of February 1814, whether the said Court or your petitioners
 have been informed otherwise the same. Your petitioners al-
 ledge that the said instrument of writing purporting to be the last will
 and Testament of the said Richard Cummings is not his last will
 and Testament, that he never made, executed and acknowledged
 as his last will and Testament, but if he did that he was induced
 persuaded and influenced by others to make the same and that it was
 not his free voluntary act. And your petitioners pray that an
 investigation may be had as to the matter aforesaid, and that
 until such an investigation shall take place that no probate be
 granted upon the said instrument of writing to the said Isaac Robbins
 Mordcai Miller and Daniel McLeod.

Edm. Lee for

the petitioners.

The parties by their Solicitors this day appeared in Court
 and by consent it is Ordered that all the testimony relating to
 the said two instruments be reduced to writing and recorded.

Robert J Taylor being first duly sworn deposed and said that on
 Thursday the 20th or Friday the 21st of January 1814 he thinks on Friday the 21st Depo-
 nent was called on at his office by Mordcai Miller who inquired if Depo-
 nent was going out that day and states it was probable he the Depo-
 nent would be called on to draw the will of
 Richard Cummings and said the Physicians were consulting on his case (he being very ill)
 and if he was in a proper state of mind Depo-
 nent would be sent for to draw his will, but on
 that day he was not sent for. On Saturday the 22nd which Depo-
 nent believes was the
 day succeeding Amos Tapp called at his house about three o'clock in the afternoon
 and informed Depo-
 nent that he believed Mr Cummings was in a proper state of mind and
 that Tapp requested Depo-
 nent to go up and make his will. Depo-
 nent immediately went to

the house formerly occupied by John Richter where Mr Cummings was and procured pen, ink
 and paper and secured the persons in the room to leave it and they accordingly did so. The Depo-
 nent then proceeded to ask the Testator some questions with the view to ascertain the state of his mind,
 and his opinion from that conversation was, that he was in a sound state of mind: he then pro-
 ceeded to ask the Testator in what manner he would have his property disposed of and he told
 Depo-
 nent he meant to dispose of \$500 for the use of the poor of the Church of Alexandria: and Depo-
 nent thinks in this conversation, although he will not be positive that the Testator said he wished to
 devise the St Andrews society \$500. The Depo-
 nent then asked the Testator if he had any re-
 lations and whether he meant to bestow on them any of his property; he told Depo-
 nent he had
 relations in Scotland who were as well or better off than himself and he did not intend to leave
 them any thing. The Depo-
 nent then enquired of the Testator in what manner he intended to dis-
 pose of the rest of his estate, and in reply to that question he stated he could not make his will
 without knowing the amount of his Estate and he appeared during the whole conversation to be
 impressed with that idea which Depo-
 nent endeavored to remove by convincing him that it was un-
 necessary. Depo-
 nent repeated the question as to what manner he the Testator meant to dispose of the
 Balance of his estate and he answered he meant to leave it in Legacies to his Friends in Alexandria
 the Depo-
 nent then asked him the names of the persons when the Testator tried to recollect himself
 and finally appeared to get into a state of stupidity or torpor, being overcome by the mental exertion
 he had used, he mentioned no names and said he was unable to go on at that time to make his will
 Depo-
 nent then told him he would call again when he was better and the Testator expressed his ap-
 pre-
 sent either by a nod or some slight expression. The Depo-
 nent states that the Testators communica-
 tions with him were free and unreserved and he did not appear to take any offense at the Depo-
 nents going
 to the house, on the contrary appeared to expect him and understood his business. The Depo-
 nent then
 proceeded from the house where Mr Cummings lay sick to his store on King street where he found
 Mordcai Miller Daniel McLeod and John Phipps the Depo-
 nent stated to Mr Miller
 and Mr McLeod that he considered Mr Cummings of sound mind, but that he was inca-
 pable of the mental exertion of reflecting on the details of his will and that any attempt to do so pro-
 duced a state of Torpor, Depo-
 nent thinks one of those persons told him he had better call on some other
 person when the Testator was in a better state, without waiting to be sent for. Depo-
 nent does not think
 that any use was made by him of the pen ink and paper that evening further than to take a blank
 memorandum of the charitable devises, which was afterwards torn off and thrown into the fire
 on Sunday the 23rd between 10 and 11 o'clock in the morning, the Depo-
 nent

Know all Men by these presents That we Fanny Johnson and Thomas Preston are held and firmly bound unto Robert Young Esquire Judge of the Orphans Court for the County of Alexandria in the District of Columbia and his successors in office in the sum of One hundred Dollars lawful money of the United States to the payment whereof well and truly to be made, we bind ourselves, our Heirs Executors and Administrators jointly and severally firmly by these presents sealed with our seals and dated this 27th day of August 1816.

The Condition of the above obligation is such. That if the above bounden Fanny Johnson as Guardian of Thomas Cole shall faithfully account with the Orphans Court of Alexandria County as directed by law, for the management of the Property and Estate of the Orphan under her care; and shall also deliver up the said property equally to the order of the said Court, or the directions of law; and shall in all respects perform the duty of Guardian to the said Thomas Cole, according to law; then the above obligation shall cease; it shall otherwise remain in full force and virtue in law.

Sealed & Delivered

in presence of
A. Moore

Reg^r Mills

Fanny ^{per} Johnson

Thos^{sr} Preston

Seal

Seal

The last Will and Testament of Benjamin Brown

I Benjamin Brown of Alexandria, knowing that it is appointed unto all Men to die, do make this my last Will and Testament, revoking all former Wills by me made. That is to say, I will and desire that my body be decently buried in a plain manner.

1st That all my personal or moveable Estate (including debts due to me) shall belong to my dear wife and Son John, jointly and equally: they paying out of my moveable estate all just debts in the first place, and then that they pay out of said moveable estate a legacy of Three Hundred and forty Dollars unto each of my six daughters, and that in twelve months after my decease.

2nd

1st I desire also, that my dear Wife and Son John be my Executors and Guardians to my Inlame daughter Mary Brown, taking good care to support and maintain her comfortably long as she lives with her proportion of my estate, which I desire to be equal

with the rest of my daughters, her life time, and then to belong to my dear wife and Son John for ever.

3rd All my real Estate to be divided as the law directs. As Witness my hand and Seal this 16th day of July 1816.

Benjamin Brown Seal

Witnesses present

Mahlon Schofield

Andrew Schofield

Joseph Weston

N. B. The 3rd Section was erased before signed by the Testator.

Mahlon Schofield

Be it remembered that on this 21st day of July 1816, before me Alexander Moore Register of Wills for Alexandria County in the District of Columbia, came Mahlon Schofield, Andrew Schofield and Joseph Weston the Witnesses to this last Will and Testament of Benjamin Brown deceased - and proved the same in due form of law.

And on the sixteenth day of September in the same year, Sellers Testamentary were granted the Executive and Executor named in the said Will, they having given bond and security approved by the Orphans Court of said County.

A. Moore Reg^r

Know all Men by these presents, that we John Murdock, John Lind and John Neagh of George Town are held and firmly bound unto Robert Young Esquire Judge of the Orphans Court for the County of Alexandria in the District of Columbia and his successors in office in the sum of Five thousand Dollars lawful money of the United States to the payment whereof well and truly to be made, we bind ourselves our Heirs, Executors and Administrators jointly and severally firmly by these presents sealed with our seals and dated this 22nd day of June 1816.

The Condition of the above obligation is such. That if the above bounden John Murdock shall well and truly perform the office of Administrator of Richard Cummings

Know all Men by these presents. That we Sarah Patterson, James Clave and Andrew Fleming are held and firmly bound unto Robert Young Esquire Judge of the Orphans Court for the County of Alexandria in the District of Columbia and his successors in office in the sum of Four thousand Dollars lawful money of the United States to the payment whereof well and truly to be made, we bind ourselves, our Heirs, Executors and Administrators jointly and severally firmly by these presents. Sealed with our seals and dated this 15 day of May 1816.

The Condition of the above obligation is such. That if the above bounden Sarah Patterson shall well and truly perform the office of Administratrix of Benjamin D. Patton late of Alexandria County deceased according to law, and shall in all respects discharge the duties of her required by law as Administratrix aforesaid, without any injury or damage to any person interested in the faithful performance of the said office, then the above obligation shall be void, else to remain in full force and virtue in law.

Sealed & Delivered

in presence of

A. Moore Reg. Writ

Sarah Patterson

James Clave

And^o Fleming

Know all Men by these presents. That we Louisa J. DeButts, William Herbert Jr. and John P. Dulany are held and firmly bound unto Robert Young Esquire Judge of the Orphans Court for the County of Alexandria in the District of Columbia, and his successors in office in the sum of Two hundred Dollars lawful money of the United States of America, to the payment whereof well and truly to be made, we bind ourselves, our Heirs, Executors and Administrators jointly and severally firmly by these presents. Sealed with our seals and dated this 31 day of August 1816.

The Condition of the above obligation is such. That if the above bounden Louisa J. DeButts, as Guardian of Melisent Welby and Richadetta DeButts Orphans of Richard DeButts deceased shall faithfully account with the Orphans Court of Alexandria County, as directed by law, for the management of the Property and Estate of Orphans under his care, and shall also deliver up the said property agreeably to the order of the said Court or the directions of law, and shall in all respects perform the duty of Guardian to the said Orphan according to law, then the above obligation shall cease, it shall otherwise remain in full force and virtue in law.

Sealed & Delivered

in presence of

A. Moore

Louisa J. DeButts

W^m Herbert Jr.

John P. Dulany

Know all Men by these presents. That we John M. DeButts and William Herbert Jr. are held and firmly bound unto Robert Young Esquire Judge of the Orphans Court for the County of Alexandria in the District of Columbia and his successors in office in the sum of Two hundred Dollars lawful money of the United States to the payment whereof well and truly to be made, we bind ourselves, our Heirs, Executors and Administrators jointly and severally firmly by these presents. Sealed with our seals and dated this 31 day of August 1816.

The Condition of the above obligation is such. That if the above bounden John M. DeButts shall well and truly perform the office of Administrator of Richard DeButts, late of Alexandria County deceased, according to law, and shall in all respects discharge the duties of him required by law as Administrator aforesaid without any injury or damage to any person interested in the faithful performance of the said office, then the above obligation shall be void, else to remain in full force and virtue in law.

Sealed & Delivered

in presence of

A. Moore Reg. Writ

J^m M. DeButts

W^m Herbert Jr.

Know all Men by these presents. That we Thomas Buch and Joseph Maria are held and firmly bound unto Robert Young Esquire Judge of the Orphans Court for the County of Alexandria in the District of Columbia and his successors in office in the sum of One hundred Dollars lawful money of the United States, to the payment whereof well and truly to be made, we bind ourselves, our Heirs, Executors and Administrators jointly and severally firmly by these presents. Sealed with our seals and dated this 31 day of August 1816.

The Condition of the above obligation is such. That if the above bounden Thomas Buch shall well and truly perform the office of Administrator