Exhd 4

bequeath the five children jointly to have the use thereof during their residue, and it is my wish that they keep my negroes together if they can make an equitable division of them, my executors are to sell at public sale my goods and chattles embracing the negroes in case the residuary legatees cannot make an equitable division of them.

Lastly, I constitute and appoint my son John, my friends and son in law Thomas Jacins to be executors of this testament and last will, and revoke all former and other testaments and wills by me heretofore made. In witness whereof I have subscribed my name and affixed my seal this twenty fourth day of January 1846 & for avoiding the foregoing scruples as to direct that no claim shall be brought against my son James for monies paid for him and that he shall be entitled to the one fourth of the net proceeds of sales of my goods and chattles excluding the negroes, he having been advanced to him as his full share of my estate.

Signed, sealed, published and declared by John Montgomery the testator therein named, as and for his Testament in our presence, who at his request, in his presence, and in presence of each other, have subscribed our names as witnesses thereto

John Montgomery (Seal)

Aden Anderson
William B Dorsey
L. M. Eichelberger

State of Maryland Frederick County to wit

On the 6th day of March 1846 came John Montgomery Jr. and made oath on the Holy Evangels of God that the foregoing instrument of writing, is the true whole will and testament of John Montgomery Senr. late of Frederick County deceased, that has come to his hands and possession that he found the same among the papers of deceased, and that he does not know of any other.

Test Thomas Sappington Regr.

State of Maryland Frederick County to wit

On the 6th day of March 1846 came Aden Anderson, William B Dorsey and L. M. Eichelberger, the subscribing witnesses to the foregoing last will and testament of John Montgomery Senr. late of Frederick County deceased and made oath on the Holy Evangels of God that they did see John Montgomery Senr. the testator therein named sign and seal this will, that they heard him publish pronounce and declare the same to be his last will and testament, that at the time of his so doing he was to the best of their apprehensions of sound and disposing mind, memory and understanding and that they respectively subscribed their names as witnesses thereto said will in the presence and at the request of the testator and all in the presence of each other.

Test Thomas Sappington Regr.

In the name of God Amen I Daniel Duvall of Frederick County and State of Maryland being in perfect good health of body and of sound and disposing mind memory and understanding, but knowing the certainty of death and the uncertainty of the hour thereof and being desirous to settle my worldly affairs do make and publish this my last will and testament in manner and form following, first I commit my soul into the hands of Almighty God and my body to the earth to be decently buried at the direction of my executors hereafter to be named and all my debts and funeral charges to be paid. I devise and bequeath as follows

Item 1st I devise unto my dear wife Elinor G Duvall my home farm wherein we now live containing one hundred and sixty six acres of land more or less also three other small tracts adjoining the first mentioned tract, a tract called Home by Charles Johnson for two acres more or less with a house thereon, both tracts