

9366

Littig, Luther, Trustee

vs

John Merryman, Ann L. vs

Richard, Ann Emory

Henry, Elizabeth R. Gitting

Clara J. Bosley

Ann G. Merryman

Nicholas M. B., Anne, Thos. L

vs Richard Emory

Baltimore County 1848

Bill, Exhibit, Damages, Answer

Not recorded

Belleve  
Hayfields



To the Honorable John Johnson,

Chancellor of Maryland,

Humbly complaining sheweth unto your Honor your Orator Luther Littig, of Baltimore City, that Nicholas M. Bosley, late of Baltimore County deceased, was in his life time, and at the time of his death, hereinafter mentioned, seised of, possessed, or well entitled to a considerable real and personable Estate, and being so seised and possessed, he, the said Nicholas, on or about the fourteenth day of March eighteen hundred and forty four, duly made and published his last will and Testament in writing, and executed the same to pass real estate in due form of Law. And thereby the said Testator gave and devised to your Orator and his heirs a farm in Baltimore County called Bellevue, in trust, to hold the same for the sole and separate use of Ann Emory, wife of Richard Emory, for life, with power to lease or dispose of the same, by Deed or Will, and if no, or a partial sale or disposal by her, to hold the same, or the residue, at her death, to the equal use and benefit of all the children of said Ann, the child or children of a deceased child to take its parents share.

He further, in the 2nd Clause, of said Will, gave and devised to your Orator, in trust, his farm in Baltimore County, called Hay-fields, and all the wood and chestnut rail Timber Lot, taken from his Bellevue farm, and described in the



preceding first clause of his said will, together with the crops, growing or housed at the time of his death with the stock and farming utensils, all the servants or slaves, and the household and kitchen furniture (except as is otherwise disposed of in said will) and also his silver ear. To have and to hold the same to your Orator and his heirs, in Trust, for the sole and separate use and benefit of his wife Eleanor A. Bosley for life, and at her death for the use and benefit of his grandniece Ann Louisa Gittings and of such husband as she might thereafter marry during their lives, and the life of the survivor of them, and at their death to hold the same for the eldest son of said Ann Louisa and the heirs male of his body forever. And if he should die before arriving at the age of twenty one years, without leaving male issue living at the time of his death or born within a reasonable time thereafter, in Trust, for the second eldest son, of said Ann Louisa, in like manner as is provided for the eldest son and so on of all her other sons. And if all the sons of said Ann Louisa should die before twenty one years of age, without male issue living at the time of their death or born within a reasonable time thereafter, then to the use of the daughters of the oldest son and the heirs of their bodies, as tenants in common, and if said eldest son have no daughters or



they die before twenty one years of age and without leaving issue, in Trust for the daughters of the second and other sons, as is provided for the daughters of the first son; And if said Ann Louisa have no sons or they die before the age of twenty one, without leaving issue of their bodies at their death or born within a reasonable time thereafter, then in Trust for the eldest daughter of said Ann Louisa and the heirs of her body, and if said eldest daughter die before twenty one years of age without leaving issue of her body, to the second oldest daughter of said Ann Louisa and so on, of her other daughters; And if said Ann Louisa never have children, or all her children die before twenty one years of age and without leaving issue of their body at their death, or in ventre sa mere, In Trust for Nicholas M. B. Emory and the heirs of his body and if said Nicholas die without issue living at his death or in ventre sa mere then in trust for all the children of Ann Emory and Richard Emory and their heirs forever, as tenants in common.

And he further, in and by the 5<sup>th</sup> clause, of said will, directed and required your Orator to sell for cash or credit, as was best in his judgment, and to convey to the purchaser one hundred and fifty shares of Stock in the Union Bank of Maryland, and likewise his house and lot, in St Paul's



Lane and to pay out of the proceeds thereof first to John Purviance, Trustee, the sum of nine thousand six hundred and eighty Dollars ninety six cents to secure a certain Debt due by the Testator to his wife, and secured by certain Mortgages on the Estate of the Testator, which were to be released to your Orator in payment of said Debt, and secondly, after deduction of your Orator's commissions, to pay over the balance of said proceeds to Nicholas M. B. Littiq, the son of your Orator.

He further gave and devised to your Orator the sum of three thousand and sixty four Dollars of City of Baltimore Corporation Stock and fifty shares in the Baltimore Fire Insurance Company, In Trust, to hold the same for the use and benefit of the children of Richard & Ann Emory, in equal shares, the income whereof to be paid to said children annually, and the principal to be transferred on their respectively arriving at twenty one years of age, to each its equal portion. and he further appointed your Orator his Executor -

And your Orator further sheweth that after the making and publishing of such will as aforesaid said Testator duly made and published a Codicil thereto, dated the first day of November eighteen hundred and forty five and thereby revoked the devise of his farm Bellevue, to your Orator in Trust ~~and~~ for Ann Emory and her children

and also ~~the~~ bequest of the City of Baltimore Corporation Stock and the stock of the Baltimore Fire Insurance Company, to your Orator, in trust ~~and~~ for the children of Richard and Ann Emory, and gave and devised all said stock and farm, to his grandniece, Ann Louisa Merryman (wife of John Merryman Jr, and formerly Ann Louisa Gittings) — and he further revoked his appointment of your Orator as sole Executor, and appointed him Co-Executor with John Merryman Jr as will appear in and by said and Codicil, duly authenticated, copies whereof are herewith filed as part of this Bill of Complaint in an Exhibit marked A. And your Orator further sheweth that soon after making and publishing said last Will and Codicil and on or about the fifteenth day of February eighteen hundred and forty seven, the said Nicholas M Bosley departed this life, without altering or revoking said Will, save as the same is altered by said Codicil, and leaving the second and fifth clauses of said Will unaltered and unrevoked, and also leaving said Eleanor A Bosley his widow, and thereupon said John Merryman Jr and your Orator as Executors duly proved said Will and Codicil in the orphans Court for Baltimore County, and took upon themselves the execution thereof, and possessed themselves of the personal Estate and Effects of said Testator — And your Orator further sheweth that he accepted the trusts under said will as aforesaid and proceeded to the faithful



and diligent performance thereof, and did perform the same, but your Orator now sheweth that he is desirous of being discharged from the trusts of said Will, and of conveying and assigning over the said trust ~~and~~ property to some other fit and proper person to be approved of by this Honorable Court -

And your Orator further sheweth that he is now ready and willing and hereby submits to faithfully account for all the trust property and effects which may have been received by him under said Will and Codicil and the trusts therein contained, and to account for the use and application thereof, in such manner, as this Honorable Court shall please to direct -

And your Orator further sheweth that said Ann Louisa Gittings is married to John Merryman Jr as appears by said Will and that they have one child an infant, namely Ann Gott Merryman - That the said Nicholas M. B. Emory, son of Richard and Ann Emory is also an infant, that they have other children namely Elizabeth R. Gittings who is married to Henry Gittings, Anna Emory, Thomas L. Emory and Richard Emory, and that Nicholas M. B. Little son of your Orator is also an infant -

All which actings and doings are contrary to Equity and good conscience, and tend to the manifest wrong of your Orator -

In tender consideration whereof and inasmuch as your Orator is otherwise



and elsewhere remediless in the premises,  
To the End therefore that your Orator  
may be discharged from the trusts of the  
said Will and Codicil, upon passing his  
accounts, ~~and~~ which your Orator is  
always ready and willing and hereby  
submits to do, in such manner as this  
Honorable Court shall direct, and <sup>that</sup> your  
Honor will appoint some other person as  
Trustee, in the place and stead of your  
Orator and that your Orator may be  
authorized to assign and convey all  
the said trust property received by him  
under said Will <sup>and proper to be assigned & conveyed,</sup> to such new Trustee as  
your Honor shall appoint, and that  
your Orator may be indemnified for so  
doing by the order of this Court and  
may retain and be allowed out of  
the trust monies now in his hands and  
which shall hereafter come into his hands  
his reasonable costs and charges in the  
premises, or that he may be paid the  
same by the said Executors under said  
Will and out of the Estate thereof -  
And that your Orator may have such  
further and other relief as his case may  
require. May it please your Honor to grant  
unto your Orator a Writ of Subpoena  
directed to the said John Merryman Jr  
and Ann Louisa Merryman, <sup>of Baltimore County</sup> Richard  
Emory, Ann Emory, Henry Gittings ~~and~~  
Elizabeth R Gittings <sup>and Eleanor A Bosley, all of Baltimore County,</sup> adults, and Ann  
Gott Merryman, ~~Nicholas M B Gitting,~~  
Nicholas M B Emory, Anna Emory,  
Thomas L Emory ~~and~~ Richard Emory.  
~~Nicholas M B~~ of Baltimore County and Nicholas M B Gitting, of  
Baltimore City



all infants, commanding them to appear  
and answer in the premises and  
abide by such Decree as may be  
passed therein and your Orator will  
ever pray &c

Chancery papers  
continue on next  
page

A. Johnson  
for Comptrol

9366  
Luther ditto, CPD

Trustee

vs

John Merryman, &  
and wife and others

—

Mr. Gannaway.

Please file,

and cc.

A. Johnson  
for Comptrol

Filed 27<sup>th</sup> June  
1848. 11 Oct  
submissio

Position



Luther Liting Trustees

v.

John Merryman for  
Eleanora & Bailey  
and others.

The special demurrer  
of Henry & William  
Elizabeth his wife

Mr Papaway

File this.

Geo & William

Solicitor Deeds

Filed 27 Oct 1848



In Chancery.

The demurrer of Henry A. Litting  
and Elizabeth his wife to the Bill of Complaint  
of Luther Liting Trustee against John Merriam  
Junior and others

These Defendants by protestation not confessing any of  
the matters, and things contained in the said Bill to be true  
as therein alleged say that they are advised by counsel that the Com-  
plainant's said Bill is insufficient, and to which by the rules of this  
Honorable Court these Defendants ought not to be compelled  
to make or give any answer, and for cause of demurrer therein  
that the said Bill is exhibited against these Defendants, and  
other defendants, and also against Nicholas or B. Liting for  
several and distinct and independent matters and causes  
relating to separate and distinct estates of Trust which have  
no relation to each other, in part whereof these Defendants  
say that they are in no way interested or concerned, and  
ought not to be implicated; by reason of which distinct matters  
and causes the said Complainant's said Bill is drawn out to a considerable  
length, and these Defendants are compelled to take a copy of the whole  
thereof, and by joining these Defendants and distinct matters together  
which do not depend on each other in the said Bill the  
pleadings, orders, and proceedings will in the progress of said  
suit be intricate and prolix, and <sup>the</sup> Defendants put to unreasonable  
and unnecessary charges in taking copies of the same, although  
several parts thereof no way relate to or concern them; for which  
reason, and for divers other errors appearing in said Bill these  
Defendants do demur thereto, and pray judgment of this  
Honorable Court whether they shall be compelled to make  
any or further, or other answer to the said Bill; and they  
humbly pray to be dismissed from hence with their reasonable  
costs in this behalf sustained

Geo. H. Williams  
Solicitor for Defendants,



1847  
Copy

Nicholas M. Bosley's

Will

Arthur Little,  
Printer

v  
John Merymann &  
Et al.

Exhibit A

Filed 27<sup>th</sup> June 1847

#386



Nicholas M. Posley  
Last Will & Testament

I, Nicholas M. Posley,  
of Baltimore County in the  
State of Maryland, being

of sound, disposing mind, memory and understanding, do  
make and declare this my last Will and Testament in the  
words following, —

First I give and devise my farm in Baltimore County  
called Bellevue, being the farm on which I formerly  
resided, to Luther Littig and his Heirs for ever. In trust  
nevertheless that the said Luther Littig and his Heirs shall  
hold the same for the sole and separate use and benefit  
of my niece Ann Emory, Wife of Richard Emory, for and  
during the term of her natural life; free from and not  
in any manner to be subject to the disposal or control of  
the said Richard Emory or any future husbands of the said  
Ann or to be in any wise or manner liable or subject to the  
Debts, Covenants, Contracts or Engagements of the said Rich-  
ard or any future husbands of the said Ann with full  
power and authority to the said Ann, her present or any  
future coverture to the contrary notwithstanding, to lease,  
sell, assign, transfer or convey to such person or persons  
and for such consideration or considerations and for such  
Estate or Estates either in fee simple or for any less Estate as  
she may think proper by any Deed or Deeds or other in-  
strument of writing, signed and executed by her in her  
life time in the presence of two or more credible Witnesses,  
and duly acknowledged and recorded, and also with full  
power and authority to the said Ann her present or any  
future coverture notwithstanding to dispose of the same or  
any part thereof either in fee simple or for any lesser estate  
by means of her last Will and Testament or any paper in  
the nature of a last Will and Testament signed by her or



by her direction in the presence of at least three credible  
Witnesses, and which instrument she is hereby declared  
fully competent to execute notwithstanding her present  
or any future coverture, and if no sale, transfer, devise or  
other disposition of the said farm shall be made by the  
said Ann, or if any part thereof or any interest therein  
shall at the time of her death remain undisposed of, then  
my Will and desire is that the said Luther Littig and  
his Heirs shall hold the same to the equal use and benefit  
of all the Children of the said Ann, to be equally divided  
among them, their Heirs and assigns for ever, the Child or  
Children of any deceased Child of said Ann to stand in the  
the place of its parent, and receive such share as the parent  
would have been entitled to if living. — And I further  
declare that inasmuch as it is necessary for the use of my  
farm called Hay fields on which I at present reside to  
have wood and Chesnut Rail Timber, it is therefore my  
will and desire that there shall be taken from the above  
named farm called Bellevue, which is devised to Luther  
Littig in Trust as aforesaid, all that part of said farm  
commencing at a Stone Set up in <sup>the</sup> Grounds near Goodfellows  
Bars, and running thence with the public Road northerly  
until said Road Turns, thence westerly with the said road  
to the upper end of the field, thence southerly to a lime stone  
set up against a Tree, and thence easterly to the beginning,  
containing about thirty or forty acres more or less. And I  
further declare that, to this portion of said farm called Bel-  
vue I except the same from the general devise thereof and  
direct that it shall be disposed of as directed hereafter in  
the next clause of this my will. —

2<sup>d</sup> I give and devise to the said Luther Littig & his Heirs  
In Trust, my farm in Baltimore County called Hayfields —



containing between five and six hundred acres, more or less  
on which I now reside, including all the Tracts and parts of  
Tracts of Land of which it is composed around and adjoining  
my Dwelling, and likewise the woods and Chesnut Rail &  
Timber Lot taken from my Bellevue farm as described in the  
preceding Clause of this my Will, together with the crop or crops  
either growing or housed that may be thereon at the time  
of my death with the Stock and farming utensils and all  
the servants or slaves, and the Household and kitchen furniture  
I except such as I may hereafter in this my Will otherwise +  
dispose of; also my silver Can, presented to me by Genl. La-  
fayette in the name of the Agricultural Society of Baltimore  
County [commonly called the premium Can, my Hayfields  
farm being the best improved in Baltimore County] to have  
and to hold the said farm called Hayfields, and the said +  
Chesnut Timber Lot and personal property described in this  
Clause of my Will to the said Luther Littig, and his Heirs  
In Trust for the sole and separate use and benefit of my be-  
loved Wife Eleanor A. Bosley for and during the term of her  
natural life, and from and after the death of my said Wife  
In Trust for the use and benefit of my Grand-niece Ann +  
Louisa Gittings and of such husband as she may hereafter  
marry for and during the term of their natural lives, and  
the life of the survivor of them, and from and after the +  
death of the said Ann Louisa and also of such Husband  
as she may hereafter marry, then in Trust for the oldest son  
of the said Ann Louisa and the Heirs male of his Body for  
ever, and in case the oldest son of the said Ann Louisa +  
should die before he arrives at the age of Twenty one year  
without leaving male issue living at the time of his death  
or born within a reasonable time thereafter, then In Trust  
for the second oldest son of the said Ann Louisa and the +  
Heirs



male of his Body, and in case the said second oldest son should die before he arrives at the age of twenty one years without leaving male issue living at the time of his death or born within a reasonable period thereafter then to the third oldest son of the said Ann Louisa in the same manner as the preceding limitation to her first and second sons and so on to all her other sons in regular order according to their ages. And in the event of all the sons of the said Ann Louisa dying before they arrive at the age of twenty one years and without male issue living at the time of their death, or born within a reasonable period thereafter, then to the use of the daughter or daughters of the oldest son of the said Ann Louisa, and the Heirs of their Bodies as tenants in common. And in default of said Oldest son of the said Ann Louisa having no daughter or Daughters, or in the event of all the Daughters of the said Oldest son dying before they arrive at the age of twenty one years and without issue living at the time of their death, then in trust for the Daughters of the second, third and other sons of the said Ann Louisa in the same manner as is declared in regard to the Daughters of the Oldest son of the said Ann Louisa, the Daughters of the third son to take in default of those of the second and so on of the Daughters of the Other sons. - And in case the said Ann Louisa should not have any son or sons, or in case all her sons should die before they attain the age of twenty one years, and without leaving issue of their Bodies living at the time of their deaths, or born within a reasonable period thereafter, - then in trust for the oldest Daughter of the said Ann Louisa and the Heirs of her Body, - and in case said Oldest Daughter shall die before she attains the age of twenty one years, without having issue of her Body living at the time of her death, then to the second oldest Daughter



of the said Ann Louisa, and the Heirs of her Body, and so of a third or fourth, and other Daughters in regular order according to seniority. - And in the event of the said Ann Louisa never having any children, or in the event of all of the children of the said Ann Louisa dying before they + attain the age of twenty one years and without leaving any issue of their Bodies living at the time of their deaths, or + born within a reasonable period thereafter, then in Trust for Nicholas M. P. Emory and the Heirs of his body, and in the event of the said Nicholas M. P. Emory dying + without issue of his Body living at the time of his death or born within a reasonable period thereafter then in trust for all the children of Ann <sup>and Richard Emory</sup> Emory, and their Heirs for ever share and share alike, as Tenants in common if more than + one. -

3<sup>d</sup>. And it is my will and desire that neither of my said friends Ann Louisa Gittings or Ann Emory, nor any person + or persons directly or indirectly for them or either of them shall commence any suit or set up any claim to any part of my fathers real or personal Estate from the other, or from my Estate real or personal from one to the other, or from the Trustee or my <sup>Ex</sup> Executor, and in case suit should be brought and carried on, the party who shall commence it shall pay all the expenses out of her Estate in consequence of such suit and out of the Legacy she or her children may have received from my Estate and make + goods all loss or losses that shall or may be caused by such suit or suits. -

4<sup>th</sup>. - I give and bequeath to my said Wife Eleanor A. Bosley the sum of Five Hundred Dollars in cash to be paid to her by my Executor out of the first money in his hands after my death, I also devise and bequeath to my said



Wife my servant Woman Henry and Rosina with her  
young son John Riley and two mahogany Bureaus, and all  
my silver plate [except the Lafayette fan] to be fully at  
her future disposal, and should said servant Henry in  
advanced age wish to reside at Hayfields, I desire that she  
shall have that privilege to be comfortably supported thereat,  
and I require my said Wife and niece to fulfil this my re-  
quest in behalf of my said servant Woman Henry. —

5th. Whereas at the time of my marriage with my said  
Wife Eleanor A. Bosley she was entitled to a life Estate in  
certain property with reversion at her death to her niece  
Eleanor A. Gittings, now wife of John S. Gittings of the City  
of Baltimore, — and whereas I received and made use of  
said property of my said Wife in the purchase of my said farm  
called Hayfields, <sup>and otherwise</sup> to the amount of nine thousand, six  
hundred and eighteen Dollars, and ninety six cents, and to  
secure the payment of the same to the said Eleanor A. Git-  
tings after the death of my said Wife, I gave a mortgage to the  
Hon. John Purviance, her Trustee, on three Lots of ground  
situate in the City of Baltimore, to which said Mortgage  
my said Wife was a party, the said Lots being the property of  
my said Wife, and also another mortgage on two tracts of Land  
in Baltimore County, One called Nicholsons Manor, and  
the other called a part of Taylors Discovery, Now therefore my  
will and desire is and I hereby direct and require the said  
Luther Gitting, my Trustee and Executor to sell for cash or on  
a reasonable credit as to him may seem best, my One Hun-  
dred and fifty shares of Stock in the Union Bank of Mary-  
land, and likewise my house and Lot situate on St. Pauls Lane  
extended in the City of Baltimore to whom I hereby give full  
power and authority to sell and transfer the said Stock, and  
to sell and dispose of the said House and Lot, and to execute



acknowledge and deliver to the purchaser or purchasers thereof the necessary Deed or Deeds, or other conveyances therein for absolutely, on the payment of the whole purchase money as fully as I myself could do, and to pay out of the proceeds thereof to the said Hon. John Pirviance, Trustee as aforesaid, The sum of Nine Thousand, six hundred and <sup>4</sup> Eighteen Dollars and ninety six Cents, and to procure the necessary receipts for the payment of the said sum of money, and releases of the mortgages aforesaid, and after this arrangement is closed by the said Luther Litzig, and after deducting his usual Commissions, it is my will and desire that he shall pay over the Balance thereof to his son Nicholas M. B. Litzig, his Heirs and assigns for ever. —

6th. I give devise and bequeath to the vestry of Sherwood Parish, situate in Baltimore County and their successors for ever In Trust four Lots of Grounds and the Ground rents issuing therefrom, situate on Center Street in the City of Baltimore, payable by James Hogg, amounting annually to One Hundred and twenty Dollars, to have and to hold the said several annuities or Ground rents to the said vestry of Sherwood Parish and their successors for ever In Trust One Half of the annual Rents aforesaid to be used in keeping said Church in repair and improving the Grounds and Garden and enclosing the Grave yard attached thereto &c, &c, and the other half of said annual rent to be appropriated towards the annual support of the Clergyman thereof for the time being. —

7th. I give devise and bequeath to Nicholas M. B. Emory, my Lot of Grounds and the Ground rent issuing therefrom, situate on High Street in the City of Baltimore, and which Lot of Grounds is now under the Tenure of Thomas Helco & said Ground rent amounting to One Hundred and Eighty & three Dollars and sixty cents annually [ which income is



shall be appropriated towards educating said Nicholas To him and his Heirs for ever. —

8th. I give, devise and bequeath to Luther Littig, the sum of three thousand and sixty four Dollars of City of Baltimore Corporation Stock, and likewise my fifty Shares of Stock in the Baltimore Fire Insurance Company now standing in my name, In Trust to hold the same for the use and benefit of the children of Richard and Ann Emory, share and share alike; the annual income of said City and Fire insurance Stock to be paid over by said Littig after deducting his commissions annually to the use of said children, and each ones Share of the principal to be transferred over to said children as they respectively arrive at lawful age, to each its equal Share. —

9th. — All the rest and residue of my Estate both real, personal and mixed not herein before specifically devised after payment of my Debts and all proper expenses of settling my Estate, I give, devise and bequeath to my Grand-niece Ann + Louisa Gettings, her Heirs and assigns for ever. —

And in the event of its being necessary in consequence of the death of the said Luther Littig, I respectfully request the Judges of Baltimore County Court for the time being to appoint a fit and respectable person to act in his place, who is hereby fully authorized to do so, and to act as said Luther Littig would have acted in the settlement of my Estate in every respect.

And Lastly, I name, constitute and appoint the said Luther Littig of the City of Baltimore, the sole Executor of this my last Will and Testament: my dear Wife Eleanor A. Posley in consequence of her advanced age and infirmities has not been named to act with my friend Luther Littig, not that I have not the fullest confidence in her, but to



save her the trouble and anxiety thereof. - And I hereby  
revoke all former Wills by me at any time made & hereby  
declare this to be my last Will and Testament. -

In Testimony whereof I herunto subscribe my name and  
affix my seal on this fourteenth day of March, Eighteen  
Hundred & forty four - Nicholas M. Bosley <sup>Dea</sup>  
Signed, sealed, published and declared by Nicholas M. Bosley,  
the Testator to be his last Will and Testament, in our pres-  
-ence who at his request, in his presence and in the presence  
of each other have herunto subscribed our names as Witnesses  
thereto, - this 14<sup>th</sup> day of March 1844. -

John D. Readel

Alexander Nesbet

Isaac Webster

William Webster

Pattimore County, Ga. On the 22<sup>d</sup> day of February, -  
1847, - came John D. Readel, Alexander Nesbet, Isaac Webster  
and William Webster, the four subscribing Witnesses to the  
aforegoing last Will and Testament of Nicholas M. Bosley  
late of said County, Deceased, and made oath on the Holy  
- Evangel of Almighty God that they did see the Testator  
- 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 subscribed their names  
as Witnesses to this Will, in his presence, at his request, and  
in the presence of each other. - Sworn to in Open Court.

J. M. Perrine, Register  
of Wills for Pattimore County. -

Whereas, I Nicholas M. Bosley of Pattimore County,  
have made and duly executed my last Will & Testament



in writing bearing date the fourteenth day of March Eighteen hundred & forty four which said last Will & Testament and every clause bequest and devise therein contained I do hereby ratify and confirm, saving and excepting, such clauses bequests and devises therein mentioned as are by me herein after revoked and made void, and being desirous to alter some parts thereof, and of making additions thereto, Do therefore hereby make this my Codicil which I will and direct shall be taken and held as part of my said Will and Testament in manner and form following, that is to say: -

Whereas in my said Will, I give and bequeath to Luther Littig in Trust for the use of Ann Emory &c, &c, my farm called Bellevue, I do hereby revoke and make void the same and give said farm to my Grand niece Ann Louisa Merryman, formerly Ann Louisa Gittings, now the Wife of John Merryman Junior to her her Heirs and assigns forever

I likewise revoke and make void the third Item of said Will in which I request that neither of my friends Ann Louisa Gittings [now Ann Louisa Merryman] nor Ann Emory shall commence any suit or set up any claim to any part of my fathers real or personal Estate from the other or from my Estate, real or personal from one to the other or from the Trustee or my Executor &c, I make this change in my said Will in order to give my said friends an opportunity to recover by Law or otherwise any thing that shall or may be justly due from one to the other or either of them of my fathers real, or personal Estate or my real or personal Estate. -

I likewise revoke and make void the Eighth Item of my said Will, wherein I devise and bequeath to Luther Littig as Trustee, the sum of three thousand and sixty four Dollars of City of Baltimore Corporation Stock, and likewise my fifty shares of Stock in the Baltimore Fire insurance company



now standing in my name for the use and benefit of the  
Children of Richard and Ann Emory &c, it is therefore  
my will and pleasure, and I do hereby give unto my  
said Grand niece Ann Louisa Merryman the said \$3064.  
Dollars of Corporation Stock, and likewise my said fifty  
Shares of Baltimore Fire Insurance Stock, to her, her heirs  
and assigns forever. - It is my wish and desire that any  
child or children that my servant Woman Rosina has at  
present or may hereafter have shall belong exclusively to  
my dear wife Eleanor A. Bosley, her Heirs and assigns for  
ever. - And whereas in my said Will I appointed Luther  
Littig my sole Executor, this is to revoke the same so far as  
his acting alone. - And I do therefore hereby appoint my  
said friend Luther Littig, and John Merryman Senior  
to act as my joint Executors of this my last Will and Tes-  
tament. - In Testimony whereof, I hereunto subscribe  
my name & affix my seal on this first day of November  
Eighteen Hundred & forty five. -

Nicholas M. Bosley 

Signed, Sealed, published and declared by Nicholas M.  
Bosley, the Testator to be his last Will [or Codicil] and Tes-  
tament in our presence who at his request, in his pres-  
-ence, and in the presence of each other have hereunto sub-  
-scribed our names as Witnesses thereto this first day of Novem-  
ber, Eighteen Hundred and forty five. -

Wm B. Duwall  
Laura Duwall  
Chas A. Buchanan  
John Merryman

Baltimore County, Md. - On the 22<sup>d</sup> day of February, -  
1847, - came William B. Duwall, Charles A. Buchanan  
and John Merryman, three of the subscribing Witnesses to



the foregoing Codicil to the last Will and Testament of  
Nicholas M. Posley late of said County, Deceased, and made  
Oath on the Holy Evangelij of Almighty God that they did  
see the Testator sign and seal this Codicil, that they heard  
her publish pronounce and declare the same to be a Codicil  
to his last Will and Testament, that at the time of his  
doing, he was to the best of their apprehensions of sound and  
disposing mind, memory and understanding, and that they  
together with Laura Duwall, the other subscribing witnesses  
thereto, subscribed their names as Witnesses to this Codicil  
in his presence, at his request, and in the presence of each  
other. - Sworn to in Open Court. - Test: D. M. Perine,  
Register of Wills for Baltimore County. -

In Testimony that the foregoing is a true Copy taken  
from the original filed & remaining in the Office of the  
Register of Wills for Baltimore County.



I herunto subscribe my name and affix  
the seal of my office this twenty fourth  
day of February in the year of our  
Lord Eighteen Hundred & forty four.  
Test: - D. M. Perine, Register of  
Wills for Baltimore County. -

Ex 2