

a true and certified copy thereof is here exhibited marked exhibit A. N. 3. and
 the said Testator soon thereafter departed this life - without having revoked the
 same, and that Joseph Smith one of his sons was named & appointed executor
 in said will - who accepted the trust reposed in him, and obtained, on the 10th
 day of February 1826. from the Orphans Court of Frederick County letters Testamen-
 tary - your orator further sheweth unto your Honors that the said Middleton
 Smith amongst other things bequeathed as follows: 'I give and bequeath to my
 dear wife Martha - the sum of Two Hundred Dollars, to be paid out of the first
 money coming into the hands of any executor. your orator further sheweth
 unto your Honors that the said Middleton Smith died leaving a large per-
 sonal and Real estate, which came into the hands & possession of the said
 Joseph Smith as executor aforesaid. Your orator further sheweth unto your
 Honors that the said Joseph Smith - the executor aforesaid - neglected & refused
 to pay the said sum of Two hundred Dollars or any part thereof to the said
 Martha Smith in her life time - or to your orator as the executor of
 Martha Smith or since the death of the said Martha but that the said
 Joseph Smith retains in his hands said legacy - Contrary to all the principles -
 of Justice and Equity - Your Honors are further informed - that the said Joseph
 as the executor aforesaid has utterly neglected and refused to settle the
 estate of the said Middleton Smith, according to law and to execute the trust
 reposed in him, by virtue of said Testaments, and last will - That said
 Joseph Smith hath wholly neglected & refused to fill the Real Estate
 directed to be sold by virtue of said will, and the said Joseph Smith has neglected
 to apply the proceeds of the personal Estate of the said Middleton Smith -
 to the payment of the said legacy of Two Hundred Dollars due to your orator
 as the executor of the said Martha Smith. That the said Joseph Smith has
 taken exclusive possession of the lands & premises directed to be sold by the
 said Middleton Smith - in his said will - taking to himself all the rents &
 profits thereof, and refuses to in any manner to account for them
 and that money enough, and sufficient has long since come into the
 hand of the said executor to pay to your orator the said legacy of Two
 hundred Dollars, which sum of money - the said Joseph Smith as execu-
 tor aforesaid neglected and refused, to pay to the said Martha Smith
 in her life time and still refused to pay said legacy, to your orator. Your
 orator further sheweth - That the Estate of the said Middleton Smith was
 abundantly sufficient to pay all his just debts, and legacies, your orator
 further sheweth unto your Honor, that he accepted the Trust re-
 posed in him by the Testament, and last will of Martha Smith
 and obtained letters Testamentary, from the Orphans Court of Fred-
 erick County, which appears from the Certificate of the Register
 of will here exhibited marked A. N. 3. In tender consideration
 whereof, and for that your orator is sensible in the premises
 by the strict rules of the Common law, and releasable only in a
 Court of Equity, where matters of this nature are properly
 cognizable. Is the end therefore, that the said Joseph Smith, as
 the executor of Middleton Smith aforesaid may full true, direct
 and perfect answer make upon his Corporal Oath, according to
 the best of his Knowledge, to all and singular the facts, charges &
 matters stated & set forth, in the Bill of Complaint; and more -