

The Will of David Arnold. Great Grandfather to Jason Arnold  
June 26, 1838

In the name of God, Amen. I David Arnold of Frederick County in the State of Maryland, being weak in body but of sound and disposing mind, memory and understanding considering the certainty of death and the uncertainty of the time thereof, and being desiring to settle my worldly offering and thereby be the better prepared to leave this world when it shall please God to call me home, do therefore make and publish this my last will and testament in the manner and form following, that is to say.

Item. I give and bequeath unto my beloved wife Elizabeth Arnold the farm upon which I reside lying and being in Middle Town Valley know by the name of David's Purchase containing about three hundred and fifty one acres of land more or less during her natural life only.

I give and bequeath unto my beloved wife Elizabeth Arnold two cows, a Horse, six beds and bedding (sp), two stoves and pipe, a clock, three tables, two bureaus of her choosing. Fifty bushels of wheat, five barrels of corn, all my bacon and meat, three (tons?) hay, ten bushels potatoes, (a broach?) And one hundred and fifty dollars worth of other personal property which she may take at the appraisement. I also give to her the sum of twenty five dollars in ready money all of which said property herein before bequeathed to my dear wife Elizabeth shall be a full compensation to her of both my real and personal estate except so much more as I shall or may hereinafter bequeath to her in addition thereto.

Whereas I have heretofore at sundry times advanced in the whole to my sons John and Peter Arnold each about the sum of three thousand dollars current money for which I retain no note or other instrument of writing, all of which said advancements so made by me to them I do hereby fully release them their heirs and assigns from the payment of the same.

Item. I give and devise unto my daughter Lidia Ausherman, wife of John Ausherman, her heirs and assigns forever part of a tract of land called "Contentment" containing sixty acres of land or by whatever name or names the same may be called subject however to my wife Elizabeth Arnold may take and receive the yearly income or profits arising from said 60 acres of land during her natural life if she should need want or require it. Which said 60 acres of land shall be surveyed and laid off for my daughter Lidia and her heirs by the direction of my son in law John Ausherman in such a manner as may be the best interest to her and after the said 60 acres surveyed and laid out then there will still remain about 30 acres of the same tract called Contentment or by whatever name the same may be called which said thirty acres of land be the same more or less. I give and devise unto my son in law John Ausherman his heirs and assigns forever

In the name of God, Amen. I David Arnold of Frederick County in the State of Maryland, being weak in body but of sound and disposing mind, memory and understanding considering the certainty of death and the uncertainty of the time thereof, and being desiring to settle my worldly offering and thereby be the better prepared to leave this world when it shall please God to call me home, do therefore make and publish this my last will and testament in the manner and form following, that is to say.

I give and bequeath unto my beloved wife Elizabeth Arnold the farm upon which I reside lying and being in Middle Town Valley know by the name of David's Purchase containing about three hundred and fifty one acres of land more or less during her natural life only.

Item. I give and bequeath unto my beloved wife Elizabeth Arnold two cows, a Horse, six beds and bedding, two stoves and pipe, a clock, three tables, two bureaus of her choosing. Fifty bushels of wheat, five barrels of corn, all my bacon and meat, three (tons?) hay, ten bushels potatoes, (a broach?) And one hundred and fifty dollars worth of other personal property which she may take at the appraisement. I also give to her the sum of twenty five dollars in ready money all of which said property herein before bequeathed to my dear wife Elizabeth shall be a full compensation to her of both my real and personal estate except so much more as I shall or may hereinafter bequeath to her in addition thereto.

Whereas I have heretofore at sundry times advanced in the whole to my sons John and Peter Arnold each about the sum of three thousand dollars current money for which I retain no note or other instrument of writing, all of which said advancements so made by me to them I do hereby fully release them their heirs and assigns from the payment of the same.

Item. I give and devise unto my daughter Lidia Ausherman, wife of John Ausherman, her heirs and assigns forever part of a tract of land called "Contentment" containing sixty acres of land or by whatever name or names the same may be called subject however to my wife Elizabeth Arnold may take and receive the yearly income or profits arising from said 60 acres of land during her natural life if she should need want or require it. Which said 60 acres of land shall be surveyed and laid off for my daughter Lidia and her heirs by the direction of my son in law John Ausherman in such a manner as may be the best interest to her and after the said 60 acres surveyed and laid out then there will still remain about 30 acres of the same tract called Contentment or by whatever name the same may be called which said thirty acres of land be the same more or less. I give and devise unto my son in law John Ausherman his heirs and assigns forever

subject however that the said John Ausherman his being executory or administrator pay the sum of fifty dollars current money per acre into my estate in one year after my decease but should the said John Ausherman his heirs executory or administrator refuse to take and receive the said 30 acres of land be the same more or less at the price of fifty dollars per acres as herein directed to be paid by him he or they shall notify the (?) Court of Frederick County of the same either of his acceptance or refusal within sixty days of my decease in writing and upon a refusal being made to except of the said land upon the terms aforesaid then the said devise of said 30 acres to be null and void and I direct my said executor to sell and dispose of the same (30 acres) at any time as soon as convenient thereafter.

Item. After the death of my wife Elizabeth Arnold I give devise and bequeath to my son Peter Arnold part of the farm upon which I reside which I have herein before given to my wife as a life estate being part of a tract all land call Davids Purchase.

(Surveyed description of tract)

... excepted fifty nine and three quarter acres of land in trust for the sole use and enjoyment of my daughter Elizabeth Tritt during her life and further it is the true intent and meaning of this my will that my son in law Joseph Tritt shall have no right or power during the lifetime of my daughter Elizabeth to ask receive or demand in any way or shape anything from Peter Arnold in consequence of the said 59 3/4 acres being deeded to him in trust and that the said land shall remain in his hands for the use of the said Elizabeth Tritt to be enjoyed by her during her life as aforesaid and that if at any time my daughter Elizabeth shall be forced to leave said 59 3/4 acres of land or the possession thereof by her said husband Joseph Tritt, then and in that case my said trustee shall pay over to my daughter Elizabeth all the profits arising from said land and that any receipts or writings witnessing the payment of said profits to the said Elizabeth and signed by her through (court?) shall be a sufficient discharge to my said (?). And further I give the said 59 3/4 acres to him the said Peter Arnold in further trust that after the death of my daughter Elizabeth to sell and dispose of said land and execute deed of conveyance to the purchasing or purchasers and then divide the proceeds of said sale among all the children of my daughter Elizabeth their heirs and assigns share and share alike.

Item. I give and bequeath unto my three grandchildren they being the children of my son David Arnold deceased called Daniel Arnold, John Arnold and Lidia Goodman the same of twenty four hundred and seventy five dollars of current money their heirs and assigns share and share alike.

I hereby however that the said John Ausherman his being executory or administrator pay the sum of fifty dollars current money per acre into my estate in one year after my decease but should the said John Ausherman his heirs executory or administrator refuse to take and receive the said 30 acres of land be the same more or less at the price of fifty dollars per acres as herein directed to be paid by him he or they shall notify the (?) Court of Frederick County of the same either of his acceptance or refusal within sixty days of my decease in writing and upon a refusal being made to except of the said land upon the terms aforesaid then the said devise of said 30 acres to be null and void and I direct my said executor to sell and dispose of the same (30 acres) at any time as soon as convenient thereafter.

Item. After the death of my wife Elizabeth Arnold I give devise and bequeath to my son Peter Arnold part of the farm upon which I reside which I have herein before given to my wife as a life estate being part of a tract of land called Davids Purchase beginning at the end of eleven perches on the eighth line of the whole tract called Davids Purchase and running thence south 43° west 8 perches to a stone, south 28° west 2 perches to a stone planted North 74° West 55 perches to a stone now planted adjoining a post fence then by and with the said fence south 19 1/4° west 31 perches to the middle of a lower hundredth 43° East 22 perches to a stone now planted, south 17° East 24 perches to a stone now planted at the foot of a white oak tree marked with nine notches, south 25° west 27 perches to a stone formerly planted marked with 8 notches standing at the end of the 28th line of the whole tract called Davids Purchase then by and with the 28 3/4 last line of said land south 74° East 60 perches to the beginning of the whole tract called Davids Purchase then by and with the outline thereof in accordance of it survey and bounding to the call boundary and distance as are contained and expressed in the original grant or patent to the first mentioned beginning containing being of the buying ground which is hereby excepted fifty nine and three quarter acres of land in trust for the sole use and enjoyment of my daughter Elizabeth Tritt during her life and further it is the true intent and meaning of this my will that my son in law Joseph Tritt shall have no right or power during the life time of my daughter Elizabeth to ask receive or demand in any way or shape any thing from Peter Arnold in consequence of the said 59 3/4 acres being deeded to him in trust and that the said land shall remain in his hands for the use of the said Elizabeth Tritt to be enjoyed by her during her life as aforesaid and that if at any time my daughter Elizabeth shall be forced to leave said 59 3/4 acres of land or the possession thereof by her said husband Joseph Tritt, then and in that case my said trustee shall pay over to my daughter Elizabeth all the profits arising from said land and that any receipts or writings witnessing the payment of said profits to the said Elizabeth and signed by her through (court?) shall be a sufficient discharge to my said (?). And further I give the said 59 3/4 acres to him the said Peter Arnold in further trust that after the death of my daughter Elizabeth to sell and dispose of said land and execute deed of conveyance to the purchasing or purchasers and then divide the proceeds of said sale among all the children of my daughter Elizabeth their heirs and assigns share and share alike.

Item. I give and bequeath unto my three grandchildren they being the children of my son David Arnold deceased called Daniel Arnold, John Arnold and Lidia Goodman the same of twenty four hundred and seventy five dollars current money their heirs and assigns share and share alike.

Item. I give and bequeath unto my three grandchildren being the children



Item. I give and bequeath unto my nine grand children being the children of my daughter May Mill deceased, called Jacob Miller, John Miller, Peter Miller, Mary Miller, Lidia Miller, Julian Miller, Isaac Miller, Catherine Miller, Sally (?) the sum of three thousand dollars current money their heirs and assigns share and share alike.

Item. I give and bequeath unto my two grand children being the children of my daughter Hutta called John Hafleybower and Sally Hafleybower their heirs and assigns the sum of three thousand dollars current money under this express proviso nevertheless that the said three thousand dollars shall be and remain in the hands of my said executor until John and Sally Hafleybower shall both have arrived at the lawful age then in the event of my daughter Hutta who has recently married a second time to a certain Peter Miller having no further (?) the said three thousand dollars shall be paid over to them share and share alike but my will and desire is that should my daughter Hutta have any more children lawfully begotten from her body between the executor of this my will and the arrival of both John and Sally Hafleybower age all such children so born in that time shall be regarded in this distribution and shall have an equal share with my two grandchildren John and Sally Hafleybower in therefore \$3000 so left in the hands of my said executor as aforesaid.

My will is and I do hereby order and direct my said executor to sell and dispose of the remaining part of my real and personal estate which has not been devised and bequeath to any person or persons in this my will as soon as convenient after my decease and the money arising therefrom to be brought (sic) into my estate.

My will is further and I do hereby order and direct my said executor to sell and dispose of the real estate which I have herein before given to my wife Elizabeth as a life estate after her decease reserving and excepting thereout the aforesaid 59 3/4 acres of land which I have devised to the said Peter Arnold in trust after the decease of my wife for the use and enjoyment of my daughter Elizabeth Tritt and other purposes as herein before mentioned in this my will and the money arising from this sale shall be brought into my estate.

And now my will is further that after all the legacies are paid and retained as directed in this my will the residue and balance then remaining shall be divided in the following manner that is to say.

To John Arnold one seventh part thereof  
To Peter Arnold one seventh part thereof  
To Lidia Ausherman one seventh part thereof  
To the children of my daughter Mary one seventh part thereof  
To the children of my son David Arnold deceased, one seventh part thereof  
To the children of my daughter Hutta one seventh part thereof

of my daughter Mary Miller deceased, called Jacob Miller, John Miller, Peter Miller, Mary Miller, Lidia Miller, Julian Miller, Isaac Miller, Catherine Miller, Sally Miller, the sum of three thousand dollars current money their heirs and assigns share and share alike. —  
Item. — I give and bequeath unto my two grand children being the children of my daughter Hutta called John Hafleybower and Sally Hafleybower their heirs and assigns the sum of three thousand dollars current money under this express proviso nevertheless that the said three thousand dollars shall be and remain in the hands of my said executor until John and Sally Hafleybower shall both have arrived at the lawful age then in the event of my daughter Hutta who has recently married a second time to a certain Peter Miller having no further (?) the said three thousand dollars shall be paid over to them share and share alike but my will and desire is that should my daughter Hutta have any more children lawfully begotten from her body between the executor of this my will and the arrival of both John and Sally Hafleybower age all such children so born in that time shall be regarded in this distribution and shall have an equal share with my two grandchildren John and Sally Hafleybower in therefore \$3000 so left in the hands of my said executor as aforesaid. —  
My will is and I do hereby order and direct my said executor to sell and dispose of the remaining part of my real and personal estate which has not been devised and bequeath to any person or persons in this my will as soon as convenient after my decease and the money arising therefrom to be brought into my estate. —  
My will is further and I do hereby order and direct my said executor to sell and dispose of the real estate which I have herein before given to my wife Elizabeth as a life estate after her decease reserving and excepting thereout the aforesaid 59 3/4 acres of land which I have devised to the said Peter Arnold in trust after the decease of my wife for the use and enjoyment of my daughter Elizabeth Tritt and other purposes as herein before mentioned in this my will and the money arising from this sale shall be brought into my estate. —  
And now my will is further that after all the legacies are paid and retained as directed in this my will the residue and balance then remaining shall be divided in the following manner that is to say.  
To John Arnold one seventh part thereof.  
To Lidia Ausherman one seventh part thereof.  
To the children of my daughter Mary one seventh part thereof.  
To the children of my son David Arnold deceased, one seventh part thereof.  
To the children of my daughter Hutta one seventh part thereof.  
To Peter Arnold in trust for my daughter Elizabeth Tritt one seventh part thereof as a life estate in trust for the use and benefit of my daughter Elizabeth Tritt during her life, and further it is the true intent and meaning of this part of my will that my said two sons and daughters shall have no right or power during the life time of my daughter Elizabeth to receive or demand in any way or shape any thing from Peter Arnold of said seventh part being hereby devised to him in trust and that the said seventh part

if money shall remain in his hands during the lifetime of the said Joseph Tritt as aforesaid. And further it is my will that my daughter Elizabeth shall yearly ask demand and receive from Peter Arnold as trustee yearly and every year the legal interest accruing on said seventh part or sum of money and that he shall pay the said interest over to her my said daughter Elizabeth and that any receipts or writings witnessing the payment of such interest to the said Elizabeth signed by her through court shall be a sufficient discharge to my said trustee as aforesaid and it is further my will that should my daughter Elizabeth out live and survive her husband Joseph Tritt in that event soon after the death of said Joseph Tritt said trustee shall pay over to my daughter Elizabeth all the principal sum of money or seventh part so left in his hands in trust but not otherwise and it is further my will that should my daughter Elizabeth depart this life before my son in law Joseph Tritt in that case I direct that the said seventh part so left in the hands of my said trustee shall then be divided amongst all the children of my daughter Elizabeth share and share alike.

And lastly I do hereby constitute and appoint my son Peter Arnold to be my executor of this my last will and testament with full power and lawful authority to execute deeds of conveyance or conveyances to the purchaser or purchasers for all and any part of the said lands herein directed to be sold by this my will and testament hereby ratifying and confirming this my last will and testament and revoking all former wills by me heretofore made declaring this to be my last will and testament and none other. In writing whereof I have hereunto set my hand and affixed my seal this twenty sixth day of June in the year of our Lord One Thousand Eight hundred and thirty eight.

Signed sealed published and declared by David Arnold the above named testator as and for his last will and testament in the presence of us who at his request in his presence and in the presence of each other have subscribed our names as witnesses thereto.

David Arnold (Seal)

Charles Bowley, Mr. Difford, John Herring, Geo. Cuthor  
State of Maryland Frederick County to wit: On the 26 day of March 1841 Samuel Peter Arnold, Decd. made oath on the Holy Evangel of Almighty God, that the foregoing instrument of writing is the true whole will and testament of David Arnold, late of Frederick County, deceased, that he came to his hand and possession, that he found the same in a chest of the testator's after his decease, and that he does not know of any other.

J. M. Dickelberger Esq.

State of Maryland Frederick County to wit: On the 2 day of March 1841, Samuel Peter Difford, John Herring two of the subscribing witnesses to the foregoing last will and testament of David Arnold late of Frederick County, deceased, did make oath on the Holy Evangel of Almighty God, that they did see the testator Thomas Arnold sign and seal this will, that they heard him publicly 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 a sound disposing mind, memory and understanding, that they respectively subscribed their names as witnesses to this will in the presence and at the request of the testator, and that they did also see David Arnold sign and declare, and Geo. Cuthor the other two subscribing witnesses sign their names as witnesses to said will in the presence and at the request of the testator, and all in the presence of each other.

Test. J. M. Dickelberger Esq.

To Peter Arnold in trust for my daughter Elizabeth Tritt on seventh part thereof as a life estate in trust for the sole use and benefit of my daughter Elizabeth Tritt during her life, and further it is the true intent and meaning of this part of my will that my son in law Joseph Tritt shall have no right or power during the lifetime of my daughter Elizabeth to ask receive or demand in any way or shape anything from Peter Arnold of said seventh part being hereby divided to him in trust and that the said seventh part of money shall remain in his hands during the lifetime of said Joseph Tritt as aforesaid. And further it is my will that my daughter Elizabeth may ask demand and receive from Peter Arnold as trustee yearly and every year the legal interest accruing on said seventh part or sum of money and that he shall pay the said interest over to her my said daughter Elizabeth and that any receipts or writings witnessing the payment of such interest to the said Elizabeth and signed by her through (court?) shall be a sufficient discharge to my said trustee as aforesaid and it is further my will that should my daughter Elizabeth out live and survive her husband Joseph Tritt in that event soon after the death of said Joseph Tritt said trustee shall pay over to my daughter Elizabeth all the principal sum of money or seventh part so left in his hands in trust but not otherwise and it is further my will that should my daughter Elizabeth depart this life before my son in law Joseph Tritt in that case I direct that the said seventh part so left in the hands of my said trustee shall then be divided amongst all the children of said daughter Elizabeth to share and share alike.

And lastly I do hereby constitute and appoint my son Peter to be the executor of this my last will and testament with full power and lawful authority to execute deeds of conveyances or conveyances to the purchaser or purchasers for all and any of the said lands herein directed to be sold by this my will and testament hereby ratifying and confirming this my last will and testament and revoking all former wills by me heretofore made declaring this to be my last will and testament and none other. In writing whereof I have hereunto set my hand and affixed my seal this twenty sixth day of June in the year of our Lord One Thousand Eight hundred and thirty eight.

David Arnold