Sealed and delivered in presence of Jas. Lassin, Wm. Calden.

Maryland Montgomery County Court. On this ninth day of September eighteen hundred and twenty, William Willson of the county aforesaid named in the aforegoing power of Attorney (the execution whereof hath been duly proved before us) appeared before us two Justices of the Peace, and by virtue of the said power of Attorney annexed to said Indenture for and in the name of, and as the act and Deed of the above and therein named George Magruder in order that the same may be recorded according to law.

Acknowledged before, Rich.d A. Watts, Dno Lansdale.

District of Columbia, Washington County, set. I William Brent Clerk of the Circuit Court of the District of Columbia for the county aforesaid hereby certify that William Branch Cranch whose name is written subscribed was at the time thereof Chief Judge of the Circuit Court of the District of Columbia. In Testimony whereof I have hereunto set my hand and (seal) affixed the seal of said Court this 5th day of August 1820. Wm. Brent Clk.

Whereupon the Defendants by their Counsel prayed the Court to instruct the Jury that upon this evidence the plaintiff was not entitled to recover. But the Court refused to give said instruction, to which refusal the Defendants by their Counsel except and pray the Court to sign and seal this their bill of exceptions which is done accordingly.

November 20th 1821. Rich.d Rudgely (Seal) Chas. J. Kilgour (Seal)

In addition to the facts stated in the first bill of exceptions and which it is agreed should be a part of this bill of exceptions, the Defendants proved to the Jury that Letters Testamentary on the Will of said David Peter were by the Orphans Court of Montgomery County regularly granted to the persons named as Executors in the Will of said David Peter and produced an exemplified copy of said letters Testamentary in the words following, to wit.

Maryland set. The State of Maryland, to all persons to whom these presents shall come Greeting. Know ye that on the eleventh day of January eighteen hundred and thirteen by and before Solomon Holland Register of Wills for Montgomery County in the State aforesaid duly commissioned and qualified according to law, Letters testamentary of all and singular the goods chattels and credits which were of David Peter, late of Washington County, District of Columbia deceased was granted and committed unto Sarah Peter, George Peter and Leonard H. Holmes, they having first entered into bond, with sufficient sureties for the due performance thereof. In Testimony whereof I have hereunto subscribed my name and affixed the seal of my office this 20th day of November, eighteen hundred and (Seal) twenty one. Solomon Holland Regr. of Wills for Montgomery County.

He also proved that the said Executrix and Executors proceeded to sell the Lands in the Declaration named in the Directions of the Testator, that the same was sold and possession thereof delivered to the Defendant George Magruder who has ever since been in the possession thereof by himself his agents or Tenants.

Whereupon the Defendants by their Counsel by their Counsel prayed the Court to instruct the Jury that by the will of the Testator, David Peter, the legal title of the Lands of which the Testator died seized was by the first clause of said will vested in Sarah Peter for the maintenance and education of the Testators children, and said legal title was not in his children and at

said competent to the plaintiff to recover a verdict for the same upon the demises alleged to have been made by the children upon the facts stated in the preceeding bill of exception, the Defendants by their Counsel prayed the Court to instruct the Jury that upon the first to demise in the plaintiffs Declaration he is not entitled to recover five undivided twenty one parts, the whole into twenty one equal parts to be divided of the premises in the Declaration mentioned which instruction the Court refused to give, And the Defendants by their Counsel prays leave to except and that the Court would sign and seal this their bill of exception which is accordingly done this twentieth day of November eighteen hundred and twenty one. Rd. Rudgely (Seal) Chas. J. Kilgour (Seal)

And whereas afterwards to wit, on the seventh day of December in the year of our Lord one thousand eight hundred and twenty one, the said George Magruder according to the act of Assembly in such case made and provided enters an appeal from the judgment aforesaid as aforesaid rendered to the high Court of Appeals of the State of Maryland, and files in Court here a writing obligatory called an appeal bond in the words and of the tenor following to wit: "Know all men by these presents that we George Magruder, George B. Magruder and Honore Martin of Montgomery County and State of Maryland are held and firmly bound unto Sarah Peter, James B. Beverly and Jane his wife, Elizabeth Peter and William C. Peter, George Hamilton Peter and James Peter Lessors of John Deum in the full and just sum of one hundred and twenty dollars current money to be paid to the said Sarah Peter, James B. Beverly and Jane his wife, Elizabeth Peter, William C. Peter, George H. Peter and James Peter Lessors of John Deum or to their certain attorney their heirs executors administrators or assigns, to which payment well and truly to be made and done we bind ourselves and every of us our and every of our heirs executors and administrators jointly and severally firmly by these present sealed with our seals and dated this twenty eighth day of November in the year one thousand eight hundred and twenty one. Whereas at a County Court begun and held at the Court house in Rockville in and for Montgomery County on the second Monday of November eighteen hundred and twenty one in an action of ejectment brought by the above named Sarah Peter, James B. Beverly and Jane his wife, Elizabeth Peter, William C. Peter, George H. Peter and James Peter Lessors of John Deum, Judgment was recovered against the above bound George Magruder, Barton Duley, Aquilla Duley, Mr. Mahoney and Heaster Greenfield as well for the Term of the said John Deum Lessee as aforesaid, yet to come of three tracts of land mentioned in the Declaration called "Cauderock, Devils Discovery and Stony Landing" and mesne damages, as also his costs of suit by the said Court adjudged unto the said John Deum Lessee of the said Sarah Peter, James B. Beverly and Jane his wife, Elizabeth Peter, William C. Peter, George H. Peter and James Peter Lessors of the said John Deum laid out and expended in this behalf about their suit, and from said judgment the said George Magruder is about to pray an appeal to the High Court of Appeals of the Western Shore of Maryland. Now the condition of the above obligation is such that if the above bound George Magruder shall not pursue the directions of the act of assembly entitled "an act for regulating writs of error and granting appeals to and from the Courts of common Law within this province" at the next Court of Appeals to be held for the Western Shore of Maryland and prosecute the same with effect and also satisfy and pay unto the said Sarah Peter, James B. Beverly and Jane his wife, Elizabeth Peter, William C. Peter, George H. Peter and James