It is further agreed that the devisees named in said will were the only heirs at Law of the said Nathaniel Giles, and entered upon said land, and were duly seized thereof, and that Charlotte one of said devisees afterwards died a minor, and without having been married, or having had issue - That afterwards a partition of said land was duly made between the four surviving devisees-to-wit, Hannah, Sarah, Caroline and Elizabeth, and each entered upon the portion assigned to her by said partition - That afterwards, Hannah, Sarah and Caroline died, each leaving issue now living - That Elizabeth after said partition sold and conveyed the part of said land allotted to her under such partition to John Stump by deed duly executed and recorded and acknowledged, which deed is as follows.

This Indenture made this sixteenth day of May in the year of our Lord one thousand seven hundred and ninety seven, between Elizabeth Giles of Harford county and State of Maryland of the one part, and John Stump of the same county and state of the other part, witnesseth, that the said Elizabeth Giles for and in consideration of the sum of seven hundred and fifty pounds current money to her in hand paid by the said John Stump, the receipt whereof is hereby acknowledged and herself to be therewith fully satisfied and paid, hath granted, bargained, sold, aliened, enfeoffed and confirmed, and by these presents doth grant, bargain, sell, alien, enfeoff and confirm unto the said John Stump his heirs and assigns the following tract or parcel of land lying in the county and State aforesaid, and known in the division by the name of Lot number three, and being part of a tract of land called "The land of Promise", beginning at the beginning trees of lot number two, and running thence south sixty nine degrees west ninety four perches to the end of the second line of Lot number one, thence bounding on the outlines of Lot number - the five following courses viz, north thirty eight perches, north sixty eight degrees east eighteen perches, north five and one quarter degrees west ninety perches, north fifty seven degrees west one hundred and eighty four perches, south seventy eight and a quarter degrees, west thirty eight perches to the first line of the Land of Promise, thence with said line north sixteen and one half degrees west one hundred and ninety four perches to the end of said first line, thence still bounding on said land north eighty four degrees and three quarter degrees east one hundred and thirteen perches to the river Susquehanna, then down, by, with and on the river the several courses thereof until it intersects a line drawn north forty eight degrees east from the beginning trees, thence by a straight line to the beginning trees, containing and laid out for two hundred and fifty six acres of land more or less - together with all the buildings, improvements, emoluments advantages, ways and water courses to the same tract of land belonging, and all her the said Elizabeth Giles' right title interest, use trust, property claim and demand whatsoever in and to the same, and the reversion and reversions, remainder and remainders, rents issues and profits thereof, and every part and parcel thereof. To have and to hold the aforesaid tract or parcel of land and

premises with the appurtenances, unto the said John Stump his heirs and assigns forever, to his and their only proper use and behoof, and to no one other use intent or purpose whatsoever, and the said Elizabeth Giles for herself, her heirs executors and administrators doth covenant and agree to and with the said John Stump his heirs executors, administrators and assigns, that she the said Elizabeth Giles and her heirs whenever thereto requested, shall make do and execute any other deed or instrument of writing for the further and better assurance and conveyance of the said land and premises, with the appurtenances unto the said John Stump his heirs and assigns forever, and the said Elizabeth Giles for herself her heirs executors and administrators, doth hereby covenant and agree to and with the said John Stump his heirs and assigns, that she the said Elizabeth Giles and her heirs the hereby bargained premises, with their appurtenances from all persons claiming or to claim or that may hereafter claim by from or under her, shall and will forever warrant and defend to him the said John Stump his heirs and assigns forever. In witness whereof I have hereunto set my hand and seal the day and year above written. Eliz^a Giles (Seal)

Signed, Sealed and delivered in the presence of Jacob Forwood, John A Barney.

Received the day and year above mentioned of and from the within named John Stump the sum of seven hundred and fifty pounds current money being in full of the consideration for the within land and premises to be paid to me.

Witness Jacob Forwood. Eliz^a Giles

Harford County, State of Maryland &c. On the sixteenth day of May one thousand seven hundred and ninety seven, came before us the subscribers two of the Justices of the county aforesaid, the within named Elizabeth Giles, and acknowledged the within instrument of writing to be her act and deed, and the lands and premises therein mentioned, to be the right and estate of the said John Stump his heirs and assigns forever. Acknowledged before. John A Barney, Jacob Forwood.

Recorded the twenty fourth day of June seventeen hundred and ninety seven and examined by John Lee Gilson.

True copy Test. Henry Dorsey Clk.

And that the title of said Stump is only vested in the defendants; that said Elizabeth survived all the other devisees named in said will of Giles and afterwards herself died in the year 1827, without issue, or having been married, and that the Lessors of the plaintiff are the only heirs at Law of Sarah, one of the aforesaid devisees. It is further agreed that this suit is brought to recover an undivided moiety of that part of said land assigned as aforesaid under the partition aforesaid to said Elizabeth. If upon these facts, the court should be of opinion that the plaintiff is entitled to recover, then judgment is to be entered for the plaintiff for one undivided third part of said Elizabeths said part of said land, or for such undivided part as she may be entitled to: But if the court should be of opinion that the plaintiff is not entitled to recover, then judgment to be rendered for the defendants. It is also agreed that either party may be at