in Hampshire County and Commonwealth of Virginia, also all that part of a tract of Land lying and being in Allegany County and State of Maryland called Teresap's Hunting Ground; not heretofore deeded by me to Robert Teresap. Item I give and bequeath to my son James B. his heirs and assigns forever; all the other lands and real estate of which I may die possessed lying and being in Allegany County and State of Maryland, except my interest in the mill and Lot on which the mill is built - the mill having been built heretofore in partnership by my brother Thomas Teresap, the title to the one half of said mill and Lot is vested in me - I also give and bequeath to my said son James B. a small tract of Land containing ——— acres lying in Hampshire County Virginia adjoining the lands of the Heirs of Jacob Shaaff to him and his heirs forever. And whereas the said James B. Teresap and Emily his wife have recently sold to the said Henry M. Hutson at and for the consideration hereinafter mentioned all the land lying and being within the limits of said Allegany County in the State of Maryland which was devised to him the said James B. Teresap, by the last Will and testament aforesaid of the said James D. Teresap deceased. And whereas the said James B. Teresap has received payment of the consideration money agreed to be paid by the said Henry M. Hutson and it is therefore right and proper, that they the said James B. Teresap and Emily Teresap his wife should execute these presents - Now therefore this Indenture witnesseth that the said James B. Teresap and Emily Teresap his wife have for and in consideration of the sum of ten thousand dollars current money of the United States to them in hand paid by the said Henry M. Hutson at and before the ensealing and delivery of these presents, the receipt of which they do hereby acknowledge given granted, bargained, sold, aliened enfeoffed, released, conveyed, and confirmed, and by these presents do give, grant, bargain and sell, alien enfeoff, release convey and confirm unto the said Henry M. Hutson his heirs and assigns, all the Land which was devised to him the said James B. Teresap as aforesaid by the said James D. Teresap by his last will and testament aforesaid lying and being in said Allegany County and State of Maryland and also all other land at present owned and occupied by the said James B. Teresap within the limits of the said State of Maryland together with all and singular, the buildings improvements ways, waters water courses, rights, members privileges advantages and appurtenances thereto belonging or in anywise appertaining, and all the Estate, right, title, and interest, trust, property, claim and demand whatsoever at law and in Equity of them the said James B. Teresap and Emily Teresap his wife of in and to the same. To have and hold the said above described land and premises with the appurtenances thereunto belonging unto the said Henry M. Hutson his heirs and assigns forever. And the said James B. Teresap for himself his heirs executors administrators and for every of them doth covenant promise and agree to and with the said Henry M. Hutson his heirs and assigns that he the said James B. Teresap his heirs and assigns the said land and

premises above described and herein mentioned to be granted bargained and sold with the appurtenances unto the said Henry M. Hutson his heirs and assigns shall and will warrant and forever defend by these presents against the claims of all persons whomsoever.

In testimony whereof the said James B. Teresap and Emily Teresap his wife have hereunto subscribed their names and affixed their seals on the day and year first above written.

Signed sealed and delivered in presence of us - Jacob Fechtig, John Wolfe } James B. Teresap (seal) Emily Teresap (seal)

Received this seventh day of March in the year of our Lord one thousand eight hundred and forty four of Henry M. Hutson the sum of ten thousand dollars in full payment of the consideration money mentioned in the foregoing deed

Witness S. M. Semmes. — James B. Teresap.

State of Maryland Allegany County to wit: Be it remembered and it is hereby certified that on this seventh day of March in the year of our Lord one thousand eight hundred and forty four before the subscribers two Justices of the peace of the State of Maryland, in and for said Allegany County personally appear James B. Teresap and Emily Teresap his wife, they being known to us to be the persons who are named, and described as, and professing to be the parties to the foregoing deed or indenture and do severally acknowledge the said indenture or instrument of writing to be their respective act and deed. The said Emily Teresap being by us examined out of the presence and hearing of her husband "whether she doth execute and acknowledge the same freely and voluntarily and without being induced to do so, by fear or threats of or ill usage by her said husband, or by fear of his displeasure," declareth and saith that she doth - In testimony whereof we hereunto subscribe our names on the day and year aforesaid.

Jacob Fechtig
John Wolfe.

Thereupon the plaintiff by his counsel prayed the Court to instruct the Jury that there is no evidence in the cause showing such a possession by Joseph Teresap of any part of Lots 3501 and 3502 or of either of them, as would in law invest him with the constructive possession of the whole of said lots, so as to enable him to make a valid deed for the said lots, which direction the Court refused to give, but were of opinion and so instructed the jury that there was proof in the cause in regard to such possession as made the case a proper one for the decision of the jury. To which opinion of the Court and its refusal to grant the instructions so prayed the plaintiff by his counsel prayed leave to except and that the Court would sign and seal this his bill of exceptions which is accordingly done this 18th day of October 1847.

R. N. Martin, (seal)
Richd. H. Marshall, (seal)

Upon the facts contained in his first bill of exceptions which are to be taken as a part of this his second bill of exceptions, the plaintiff further prayed the Court to instruct the jury, that if they find from the