acknowledged before me. Thos. T. Williams — William Parker.

August the twenty ninth day Anno Domini one thousand eight hundred and twelve, then was delivered unto me the subscriber the foregoing Deed in order to be enrolled among the Records of Worcester County, which said Deed together with the acknowledgment thereof thereon endorsed are accordingly recorded among the same Records in Liber A.G. folios 404 & 405.

Per. John C. Handy Clk.

I hereby certify that the within and aforegoing is a true Copy taken from the Records of Worcester County. In Testimony whereof I have hereunto set my hand and affixed the Seal of Office. Seal of my Office this 9th day of November Anno Domini 1832.

John C. Handy Clk. Wor Cty Ct.

The Plaintiffs then proved the death of the said Leon Warren, and also proved the death of said Isaac Warren before the institution of this Suit. The Deft. to maintain the issue on their part then proved that Isaac Franklin was in his lifetime in possession of the said lands and then offered and read in evidence to the Jury the following Will of said Isaac Franklin. In the Name of God Amen, I Isaac Franklin of Worcester County in the State of Maryland, being sick and weak in body, but of sound & disposing mind and considering the certainty of death and the uncertainty of the time thereof and being desirous to settle my worldly affairs, and thereby be the better prepared to leave this World when it shall please God to call me hence do therefore make & publish this my last Will and Testament, in manner and form following that is to say. First & principally I commit my soul into the hands of Almighty God, and my body to the earth to be decently buried at the discretion of my Executor herein after named. — Item. I give and devise unto my son Henry Franklin Forty five acres of land called Rackliffs Late Discovery which I purchased of William Covington. I also give to my son Henry Franklin the balance of Rackliffs Late Discovery which I purchased of Isaac & Ebenezer Warren. I also give to my son Henry Franklin all that part of Mount Pleasant which I purchased of William

45. Covington. I also give to my son Henry Franklin all that tract of land which I purchased of Robert Mitchell called Cavis Neglect. I also give to my son Henry Franklin all that tract of land called Burley which I purchased of Ambrose White to him the said Henry Franklin to him his heirs and assigns forever. Item. I give to my Daughters Louisa Franklin & Mary Franklin part of a tract of land called White Oak Swamp, which I purchased at Sheriffs Sale whereon Isaac Warren now lives to them the said Louisa Franklin & Mary Franklin to them their heirs and assigns forever. Item. My Will and desire is that all the lands which I purchased of Benjamin Davis by whatever name or names it may be called shall be sold & the money arising therefrom shall be equally divided among all my children share & share alike. Item. I give and devise to my two Slaves Stephen & Bob their freedom after my decease. Item. I devise and bequeath after my just debts are paid, all the rest and residue of my estate to be equally divided among all my children to them their Heirs and assigns forever share and share alike. And, lastly I do hereby constitute & appoint my brother Henry Franklin to be sole Executor of this my last Will & Testament revoking and annulling all former Wills by me heretofore made ratifying and confirming this & none other to be my last Will

and Testament. In Testimony whereof I have hereunto set my hand and affixed my seal this 6th day of May in the year of our Lord 1814. Isaac Franklin (Seal)

Signed, Sealed published and declared by Isaac Franklin the above named Testator as & 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.

Peter C. Evans William Franklin, Samuel Walter.

Worcester County Sct. The 1st day of June Anno Domini 1814 there came Henry Franklin Jun. & made Oath on the Holy Evangely of Almighty God that the aforegoing Instrument of writing is the true and whole last Will and Testament of Isaac Franklin late of Worcester County deceased that hath come to his hands or possession, and that he doth not know of any other. before Matthew Hopkins Regr. of Wills for Wor Cty

June the 1st Anno Domini 1814, then came Peter C. Evans, William Franklin & Samuel Walter the three subscribing Witnesses to the aforegoing Last Will and Testament of Isaac Franklin late of Worcester County deceased and severally made Oath on the Holy Evangely of Almighty God that they did see the said Isaac Franklin the Testator sign & seal this Will and that they heard him publish 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 sound and disposing mind memory and understanding and that they respectively subscribed their names as Witnesses to this Will in the presence and at the request of the Testator and in the presence of each other.

before Matthew Hopkins Reg. Wills for Wor Cty

I hereby Certify that the aforegoing is a true Copy taken from the original Will & probate thereof of Isaac Franklin, Late of Worcester County deceased now remaining on file in the Office of the Register of Wills for Worcester County in Maryland.

Seal of Office. In Testimony whereof I have hereunto set my hand and affixed the public Seal of my Office this 14th day of June Anno Domini 1814.

Matthew Hopkins Reg. Wills for Wor Cty

The Defendants then offered to read to the Jury an Exemplification of the Letters Testamentary granted to a certain Henry Franklin Executor of said Isaac Franklin which ensues as follows. "In the Record of proceedings of the Orphans Court for Worcester County in the State of Maryland among other matters there contained as follows, to wit. Maryland Sct. The State of Maryland to all persons to whom these presents shall come Greeting: Know ye that the last Will and Testament of Isaac Franklin Seal of Office late of Worcester County deceased hath in due form of law been exhibited proved recorded in the Office of the Register of Wills for Worcester County a Copy of which is to these presents annexed and administration of all the goods chattles and credits of the deceased is hereby granted & committed unto Henry Franklin first Witness Littleton Robins Esquire Chief Justice of the Orphans Court for Worcester County, this 14th day of June Anno Domini One thousand eight hundred and fourteen. Test. Matthew Hopkins Reg. Wills for Wor Cty.

45. In Testimony that the above is truly copied from Liber M.A. No. 5 folios 454 & 455. one of the Record Books belonging to the Office of the Register of Wills for Worcester County in the State of Maryland. I have hereunto set my hand & affixed the public Seal of Office. Seal of my Office this 9th day of November Anno Domini 1832.

Samuel P. Spence Reg. Wills for Worcester County

And also offered to read in evidence to the Jury an Act marked A. which ensues as follows. "In pursuance of an Act of the General Assembly of Maryland