I hereby certify that the aforegoing is truly copied from one of the Records of the orphan's Court for Charles County.—

In witness whereof I hereunto set my hand and affix the seal of said Court this 10th day of October 1850.

(L.S.)

Test, D. Lenifer Reg.r of Wills.—

(Made a part hereof.) entered and possessed said land until her death in 1841, and that the plaintiff in this cause is the sole sister of the whole blood and heir at law to the said James D. Mitchell and having further offered to prove that the said tract of land as located was reputed and known by the name of Myrtle Grove and was situated on Mattawoman Run and that the possession of the same from the year 1817 to 1841, as aforesaid was continued peaceable exclusive and uninterrupted and adverse to all persons and that the Defendant who was a half brother to James D. Mitchell entered into said Land at the death of said Elizabeth Mitchell declaring that it was his sons property and that no other brother or representative of any other brother or sister survived the said James D. Mitchell and the Defendant in order to raise the point submitted in the exception, having agreed to consider for that purpose and for none other the facts recited in the above statement to be true as stated and to be in evidence to the Jury; whereupon the plaintiff prayed the Court to instruct the Jury, that if they believe that said tract of land called Myrtle Grove, was held and possessed by those under whom the plaintiff claims for more than twenty years prior to 1841, then there is no necessity for the plaintiff to shew a patent for said Lands: and further prayed the Court to instruct the Jury, that to entitle the plaintiff to recover, there is no necessity to shew that the Lands in dispute were patented, provided the Jury find twenty years possession in those under whom the plaintiff claims prior to the institution of this suit, also further prayed the Court to instruct the Jury, that if they find from the evidence aforesaid that Frances I. Mitchell possessed the land in dispute from the year 1817, to the time of his death in 1825 and that immediately upon his death, his son and devisee James D. Mitchell possessed the same until his death in 1837 and that immediately after his death that his widow Elizabeth Mitchell possessed the same until her death in 1841 and that the possessions aforesaid were continued peaceable exclusive and uninterrupted, and that the plaintiff is the sister of the whole blood of James D. Mitchell and that he died without issue leaving no Brother or other sister, than the plaintiff of the whole blood, then the plaintiff is entitled to recover.—

But the Court rejected each and all of said prayers and instructed the Jury that the plaintiff cannot recover upon the proof of possession in this case. To which several refusals of the Court and to the granting of which said instruction the plaintiff excepts and claims the same benefit of exception as if said several rulings of the Court were severally and separately excepted to. And therefore this his bill of exceptions is signed sealed and enrolled this 27th day of July 1850.—

E. G. Magruder, (Seal)
Edmund Key, (Seal)

And thereupon the said plaintiff by his attorney aforesaid prays an appeal from the Judgment of the Court here so as aforesaid rendered, to the Court of Appeals to be held for the Western Shore of the State of Maryland and to her it is granted.—

In pursuance whereof and according to the form and effect of the act of Assembly in such case made and provided, the record and proceedings afore-

said with all things thereunto relating are transmitted to the said Court of Appeals of the Western shore of the State of Maryland accordingly.—

Test, Rich.d H. Mitchell, Clk.

State of Maryland Charles County, Set. In testimony that the above and aforegoing is truly copied from the record of proceedings of Charles County Court.—

I have hereunto subscribed my name and affixed the seal of Charles County Court this fifteenth day of October in the year of our Lord one thousand eight hundred and fifty.—

(Seal)

Richard H. Mitchell, Clerk of Charles County Court.—

Clerks fees against Defdt. in this case $46: 05
Attorneys fee 3: 33⅓

Sheriffs and surveyors fees have never been filed consequently the amount of costs is left blank in the Record.—

Test, R. H. Mitchell, Clk.—

And now come into the Court of Appeals here, as well the said Sarah E. Mitchell Lessee by Robert J. Brent, Esquire her attorney, as the said Henry S. Mitchell by J. M. S. Causin, Esquire his attorney; and thereupon, on motion of the said Henry S. Mitchell by his attorney aforesaid it is ruled by the Court here, that the said Sarah E. Mitchells Lessee assign the errors in the record of proceedings aforesaid, or in the giving the judgment aforesaid, so as aforesaid brought before the Court of Appeals here, for correcting the errors supposed to be therein, or judgment by the Court of Appeals here, shall be entered against her in default thereof: and the said Sarah E. Mitchells Lessee, by her attorney aforesaid, says, that in the record of proceedings aforesaid, and also in the giving of judgment aforesaid, there is manifest error in this, to wit, that by the record aforesaid, it appears that the judgment aforesaid, in the plea aforesaid given, was given for the said Henry S. Mitchell, against the said Sarah E. Mitchells Lessee when by the law of the land, that judgment ought to have been given for the said Sarah E. Mitchells Lessee against the said Henry S. Mitchell therefore in that there is manifest error, and she prays that the judgment aforesaid for that error, and others being in the record of proceedings aforesaid, may be reversed, annulled, and held entirely as void, and that she the said Sarah E. Mitchell may be restored to all things which she hath lost by occasion of the said judgment, and that the said Henry S. Mitchell may rejoin to the errors aforesaid, and so forth. And thereupon, it is ruled by the Court of Appeals here, that the said Henry S. Mitchell join in the errors by the said Sarah E. Mitchells Lessee above assigned, in the record of proceedings aforesaid, or judgment by the Court of Appeals here, will be rendered against him in default thereof. And the said Henry S. Mitchell by his attorney aforesaid, prays that a day may be given to him to join in the errors by the said Sarah E. Mitchells Lessee above assigned in the record of proceedings aforesaid, until the second Monday in June next, and to him it is granted, the same day is also given to the said Sarah E. Mitchells Lessee then and so forth.—

At which said second Monday in June being the ninth day of the said month, in the year of our Lord one thousand eight hundred and fifty one which said day was given to the said Henry S. Mitchell to join in the errors by the said Sarah E. Mitchells Lessee above assigned, come again into the Court of Appeals here, the parties aforesaid by their attorneys aforesaid, and the said Henry