to wit: This Indenture, made this twenty sixth day of June in the year of our Lord eighteen hundred and forty four, between Eleanor Bond, formerly Carroll of Baltimore City and County and State of Maryland of the one part and John T. Cook of said City and State aforesaid of the other part, Witnesseth: That for and in consideration of the sum of fifty five dollars current money by the said John T. Cook to the said Eleanor Bond in hand paid at and before the sealing and delivery of these presents, the receipt whereof she doth hereby acknowledge and herself to be therewith fully satisfied contented and paid, the said Eleanor Bond hath bargained and sold and by these presents doth give grant bargain and sell alien, enfeoff, release, convey and confirm unto the said John T. Cook his heirs and assigns all her right, title, claim and interest in and unto a one seventh undivided part of a certain tract of land situate in Harford County aforesaid which was by the last Will and Testament of Aquila Clark late of Harford County aforesaid dec.d devised unto Martha Carroll mother of a certain John B. Carroll, which said Martha hath also deceased, together with all and singular the buildings improvements, ways, waters, water courses, rights, privileges advantages and appurtenances, thereto belonging, or in anywise appertaining — and all the estate right, title interest, trust, property claim and demand whatsoever, at Law and in Equity of the said Eleanor Bond of in and to the same.—

To Have and To Hold the said one seventh undivided part of a tract of land and premises with the appurtenances thereunto unto the said John T. Cook his heirs and assigns, to the only and proper use and behoof of the said John T. Cook, his heirs and assigns forever. And the said Eleanor Bond for herself and her heirs, do hereby covenant promise and agree to and with the said John T. Cook his heirs and assigns, that she the said Eleanor Bond her heirs and all persons claiming under them, shall and will from time to time, and at all times hereafter, at the reasonable request, cost and charge of the said John T. Cook or any of his heirs or assigns, make and lawfully execute acknowledge and deliver all and every such further and other deed, conveyance and assurance in the Law whatsoever, for the better and more fully conveying and assuring to the said John T. Cook, his heirs and assigns all the right title and interest at Law and in Equity which the said Eleanor Bond now has or can lawfully claim in and to the said premises with the appurtenances herein before described and mentioned to be bargained and sold, according to the true intent and meaning of the parties to these presents, as by the said John T. Cook his heirs and assigns or by any of their Counsel learned in the Law, shall be reasonably devised or advised and required.— In witness whereof the said Eleanor Bond hath hereunto set her hand and seal the day and year first above written.—

Signed sealed and delivered in the presence of Wm. A. Schaffer, George W. King — } Eleanor Bond, (Seal)

$55. Received from John T. Cook the sum of fifty five dollars, being the consideration expressed to be paid in the foregoing Indenture.—

Witness — Wm. A. Shaffer.— Eleanor Bond

State of Maryland, Baltimore City, set: Be it remembered that on the twenty sixth day of June in the year eighteen hundred and forty four before the subscribers two Justices of the peace of the State of Maryland in and for the City of Baltimore personally appeared Eleanor Bond party grantor named in the within indenture and acknowledged the same to be their act and deed according to the true intent and meaning thereof, and the acts of Assembly in such case made and provided.— We being satisfied from our own knowledge that she is the person named and described and professing to be the grantor in said deed or instrument of writing.— In Testimony whereof we hereunto subscribe our names on the day and year aforesaid.— Wm. A. Shaffer, George W. King.—

State of Maryland Baltimore County, set: I hereby certify that Wm. A. Shaffer and George W. King gentlemen before whom the above acknowledgment was made and who have thereto signed their names were at the time of so doing Justices of the peace of the State aforesaid in and for the City of Baltimore duly commissioned and sworn.—

(L.S.) In testimony whereof I hereto set my hand and affix the seal of Baltimore County Court this 27th day of June 1844.—

Thos. Kell, Clk.—

(Endorsed) Received and Recorded the 24th day of September 1844 in Liber H.D. No. 130 folio 122, one of the Land Record Books of Harford County Court and examined by Henry Dorsey, Clk.—

And proved by the plots and surveyors certificate returned in the case that said two last mentioned deeds had been located by the plaintiff by the same lines in every respect as the tract described in his patent as Aquila's Delight, the same courses and distances and boundaries embracing the lands mentioned in the patent and the said deeds; and proved by said plots and certificate that the defendant had made no counter location of said deeds from John B. Carroll and Eleanor Bond.—

And further proved in evidence sundry receipts dated at various times between the years 1785 and 1786 given by B. Harwood the State Treasurer to Peter Carroll for interest and principal of a bond of said Carroll's in favour of State, the last of which said receipts is in the following words to wit: "Rec.d Dec.r 30th 1796 of A. Barrett, Esq. three pounds fifteen shillings for the balance due on Peter Carroll's bond of £16: 13: 4.—

£3: 15: 0.— B. Harwood.—

And further offered in evidence the following original warrant and indorsement thereon.—

(The paper here referred to was mislaid at the trial and this blank is to be filled up by agreem.t of Counsel at Annapolis.—)

The Defendant to support the issue on her part then offered to prove by James Spicer, a competent witness that Benjamin Carroll the brother of Peter had resided in Harford County up to the time of his death, which took place ten or fifteen years ago; that he left some five or six children, that three of them emigrated many years ago to the West, that one or two he had been informed resided in Cecil County Maryland and that one of them Mrs. Standiford now lived and had lived in Harford County for many years and in the neighbourhood in which Benjamin Carroll died — To which evidence offered by the defendant the plaintiff objected; it being offered for the purpose of disproving the recitals of the patent — But the Court overruled the objection and admitted the evidence to go to the jury: The plaintiff accepted and prayed the Court to sign and seal this his Bill of exception to the form of the statute in such case made and provided and which is accordingly done, this — day of — in the year 1849.— (Seal)

Second Exception.— At the trial of this cause and after the evidence contained in the first bill of exceptions had been given to the Jury which is incorporated and made part of this Bill of exceptions, the Defendant