June Term 1861

Anne Arundel County sct } The oath of Nicholas Green one of the
10th day of Nov 1825 } subscribing Witnesses to the Within Last Will and Testament of Benjamin
Harrison late of said County deceased was made Oath in the Holy Evangels
of Almighty God that he saw the Testator therein named sign and
seal this Will that he 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 his apprehension of sound and disposing mind memory and under-
standing and that he together with Adam Thomas Allen and John C Ware
the subscribing Witnesses respectively subscribed their names as Witnesses
to the Will in the presence and at the request of the Testator and in the
presence of each other

Test N Hall Reg Wills for A A Co

Anne Arundel County sct the 10 day of November 1825. Then came
John Harrison and made Oath on the Holy Evangels of Almighty
God that the Within Instrument of Writing is the true last and
Will and Testament of Benjamin Harrison late of Anne Arundel County
deceased that he saith came to his hands and possession and that he doth
not know of any other.

Test N Hall Reg Wills A A Co

In testimony that the foregoing is a true Copy taken from the original
Recorded in Liber B and I have
hereunto set my hand and affixed the
Seal of my Office this 21 day of April 1857.

Test Ben T Sants Regr of Wills
for Anne Arundel County

And further proved that after the death of the said Benjamin Harrison
John Harrison named in the said Last Will and Testament entered upon and
the said messuage and premises with the appurtenances and with the consent of Ann
Jenifer above named in the said Last Will and Testament and also with the
assent of the plaintiff Land of 147 acres of Land from the North
East of the dwelling plantation of the said Benjamin Harrison deceased
so as to include therein the dwelling House and the other Buildings
thereon and one and of the Orchard Nursery on the said dwelling plantation
and of the said 147 acres of Land as Land afforesaid which is the
Land and premises for recovery whereof this action is brought became
seized and possessed as Trustee according to the true intent of the office of the
said Last Will and Testament and further proceeded to take possession by
license and permission of the said John Harrison the said John Stephenson
and Eleanor his wife in the said Last Will and Testament named entered
upon the said premises and had aforesaid on the day of in the
year 1832 the said John Stephenson departed this life leaving the said
Eleanor his wife surviving him who being so possessed of the premises
aforesaid in manner aforesaid became seized and possessed accor-
dingly to the true and Effect of the Last Will and Testament aforesaid
and being so thereof seized and possessed the said Eleanor Stephenson on
the day of in the year 1834 departed this life without
ever having had issue of her Body and being the said Ann Jenifer sur-
viving Sister and the said Ann Jenifer was sister of the whole blood to the said
Eleanor Stephenson and after the death the defendant entered upon possession



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of said premises claiming title thereto under the said John Harrison and
has rested his case, And thereupon the defendant proved that the said
John Harrison departed this Life some time in the 1832 before the said
Eleanor Stephenson and that he was in the possession of the whole blood to the said
Eleanor Stephenson and that he left Children and the said Ann Jenifer
was his heir at Law and that the title of the said John Harrison became
vested by the [illegible] in the said defendant And thereupon the said
defendant prayed [illegible] and be instructed the Jury that if they should find that
said Eleanor [illegible] survived the said John Stephenson and afterwards
departed this [illegible] without having had issue of his Body the said Land
and premises [illegible] in the declaration in this cause became thereby
vested in the said John Harrison in fee simple subject to the limitation
thereof over to him in the failure of issue of the said Eleanor Stephenson
and that they ought to find for the defendant, and further instruct
that if the Court should be of opinion that the said Eleanor Stephenson
in her life time became seized of an absolute estate in fee in the aforesaid
premises and thereof died seized and without leaving issue of her Body
and if the Jury should find that said Ann Jenifer and the said John
Harrison were brother and sister of the whole Blood to the said
Eleanor Stephenson and that then the said premises descended to the said
John and Ann and the plaintiff not be entitled to recover more
than an undivided Moiety of said premises and prays the Court to
instruct the Jury,

But the plaintiff on his part objects to said prayers
and insists that if the Jury shall find the several facts of fact in
Evidence by the parties that the plaintiff will be entitled to their verdict
for the entirety of the premises in the declaration aforesaid mentioned
and prays the Court so to instruct the Jury And thereupon the Court
granted the prayers of the Defendant and rejected the prayers offered
by the plaintiff and thereupon the plaintiff excepted to the granting
of the said Defendants prayers and the rejection of the prayers offered
by her and prayed the Court to sign and seal this as and for her
Bill of Exceptions which is accordingly done on this 21 day of
April 1857,

Nicholas Brewer Seal

And thereupon the aforesaid John Doe Lessee as aforesaid by his attorneys
aforesaid prays an appeal from the judgment aforesaid to as aforesaid
rendered to the Court of Appeals of Maryland to be held at the City of
Annapolis in the 2nd Monday of June next and to him is granted
as by law provided Ordered by the Court that the Record and proceedings of
aforesaid in the cause aforesaid with all things thereunto belonging be trans-
mitted to the said Court of Appeals, and the same are transmitted
to the said Court accordingly

Test N H Green Clk

Maryland sct. I hereby certify that the aforegoing transcript is duly
taken from the Record of proceedings of the Circuit Court of Anne Arundel
County.

Test In testimony Whereof I have set my hand and affix the
Seal of the Circuit Court for Anne Arundel County this