and John E. Moran the subscribing witnesses respectively subscribed their names as witnesses to this will in the presence and at the request of the Testator and all the presence of each other.

Thos N. Hall Regr Wills A.A. County

Anne Arundel County Set. } Then came John Harrison and made
The 10th day of November 1825 } Oath on the Holy Gospels of Almighty God
that the within instrument of writing is the true whole and last will and Testament of Benjamin Harrison late of Anne Arundel County deceased that hath come to his hands and possession and that he doth not know of any other

Thos N. Hall Reg Wills A.A. County.

In Testimony that the foregoing is a true Copy taken from the Original recorded in Liber E.D.T. S.G. No 7 Folio 267. I have hereunto set my hand and affixed the seal of my Office this twenty first day of April Eighteen hundred and fifty seven.

Ben. E. Gantt Register of Wills for Anne Arundel County.

And further proved that after the death of the said Benjamin Harrison, named in the said last will and testament entered upon all the Lands mentioned and described therein and with the consent of Ann Tongue, who is named in the said last Will and testament and who is the legee of the plaintiff, laid off one hundred and forty seven acres of land from the North end of the dwelling plantation of the said Benjamin Harrison deceased, so as to include thereon the dwelling house and the other buildings about it and one of the tobacco houses on the said dwelling plantation and of the said one hundred and forty seven acres of land so laid off as aforesaid which is the lands and premises for recovery whereof this action is brought became seized and possessed as Trustee according to the form and effect of the said last Will and testament, and further proved that afterwards by licence 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 that afterwards on the day of in the year 1828 the said John Stephenson departed this life leaving the said Eleanor his wife surviving him who being in possession of the premises aforesaid in manner aforesaid became thereof seized and possessed according to the form 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 leaving the said Ann Tongue surviving her and that said Ann Tongue was Sister of the whole blood to the said Eleanor Stephenson and that after her death the defendant entered upon possession of said premises claiming title thereto under the said John Harrison and here rests 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 brother of the whole blood to the said Eleanor Stephenson, and that he left Children and the said Ann Tongue were his heirs at law and that the title of the said John Harrison had become vested

by mesne conveyances in the said defendant.

And thereupon the said defendant prayed the Court to instruct the Jury, that if they shall find that the said Eleanor Stephenson survived the said John Stephenson and afterwards departed this life without ever having had issue of her body, the said land and premises mentioned in the declaration in this action become thereby vested in the said John Harrison in fee by force and effect of the limitation thereof over to him on the failure of issue of the said Eleanor Stephenson and that their verdict ought to be for the defendant, and further insisted 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 shall find the said Ann Tongue and the said John Harrison were brother and sister of the whole blood to the said Eleanor Stephenson, that then the said premises descended to the said John and Ann and the plaintiff will be entitled to recover no more than an undivided moiety of said premises and prayed the Court so to instruct the Jury.

But the plaintiff on his part objected to said prayers and insisted that if the Jury shall find the several facts offered in evidence by the parties then the plaintiff will be entitled to their verdict for the entirety of the premises in the declaration aforesaid mentioned and prayed the Court so to instruct the jury.

And thereupon the Court granted the prayers offered by the defendant and rejected the prayer offered by the Plaintiff and thereupon the Plaintiff excepted to the granting of the said defendants prayers and to the rejection of the prayer offered by her and prayed the Court to sign and seal this as and for her bill of exception to which is accordingly done on this twenty first day of April 1857.

Nicho Brewer (Seal)

And thereupon the aforesaid John Doe Lessee as aforesaid by his Attornies aforesaid prays an appeal from the Judgment aforesaid so as aforesaid rendered to the Court of Appeals of Maryland to be held at the City of Annapolis on the first Monday of June next and to him it is granted. It is therefore ordered by the Court here that the record and proceedings aforesaid in the plea aforesaid with all things thereunto relating be transmitted to the said Court of Appeals, and the same are transmitted to the said Court accordingly.

Test N. N. Green Clerk

Maryland Set I hereby certify that the aforegoing transcript is truly taken from the record of Proceedings of the Circuit Court for Anne Arundel County.

Seals Place

In Testimony whereof I have set my name and affix the Seal of the Circuit Court for Anne Arundel County this Seventh day of September in the year Eighteen hundred and fifty seven.

N. N. Green Clerk.