our Lord Eighteen hundred and Fifty five between Rachel Jane Warford of the City of Baltimore in the State of Maryland of the one part and Frederick W. Bruno Jr. of the same City and State of the other part Whereas the said Rachel Jane Warford is named as devisee and legatee in a certain paper writing purporting to be the testament and last will of Rachel Colvin deceased dated the thirteth of October Eighteen hundred and forty five, and is also named as a legatee and devisee in a certain other paper writing purporting to be the testament and last will of Rachel Colvin deceased dated the 6th day of April 1848, and whereas by a certain deed dated the second day of February instant, the said Rachel Jane Warford conveyed for the consideration therein mentioned to Hamilton Warford of Delaware County in the State of Ohio his heirs, Executors admrs and assigns all the property real and personal Estate, interest, right title claim and demand, legal or Equitable of every kind devised or bequeathed to, or in trust for her, the said Rachel Jane Warford, under either of said Wills of said Rachel Colvin deceased: as upon reference to said deed recorded, in the Office of the Clerk of the Superior Court of Baltimore City will appear, and whereas doubts have been expressed as to the Efficacy of said deed to pass all the property real and personal Estate interest, right, title, claim and demand legal and equitable, of every kind, devised or bequeathed as aforesaid under both of said Instruments of writing: and whereas the said Rachel Jane Warford is desirous to divest herself of all and every interest nor remaining in her or hereafter to accrue under both said instruments and of each and either of them, so as to render her a competent Witness in relation to both said Instruments; and the said Frederick W. Bruno Jr. having agreed to accept a delivery of these presents. Now Therefor This Indenture Witnesseth that the said Rachel Jane Warford in consideration of the premises and of the sum of Five dollars to her in hand paid, the receipt whereof is hereby acknowledged hath granted, bargained and sold and assigned and doth hereby grant, bargain and sell assign, transfer and make over, to the said Frederick W. Bruno Jr. his heirs Executors admrs and assigns all the property Real, personal and mixed Estate, interest, right, title, claim and demand legal or Equitable of every kind devised or bequeathed to or in trust for her the said Rachel Jane Warford under the said Wills, and each of them and either of them, subject nevertheless to the legal Effect of said conveyance hereinbefore referred to, to the said Hamilton Warford hereinbefore mentioned, To Have and To Hold the same subject as aforesaid, to the said Frederick W. Bruno Jr his heirs, Executors, admrs & assigns. In Testimony Whereof the said Rachel Jane Warford hath hereunto subscribed her name and affixed her seal this day and year above written.—

State of Md. Stamp on dee.

Signed, sealed and delivered in the presence of Edwd J. Peters } Rachel J. Warford (Seal)

Received of Frederick W. Bruno Junior five dollars the consideration money mentioned in the foregoing deed.—

Witness, Witness E. J. Peters } Rachel J. Warford

State of Maryland, City of Baltimore to wit: Be it remembered and it is hereby certified that on this fifth day of February in the year of our Lord 1855 before me the subscriber a Justice of the Peace of the State of Maryland in and for the City of Baltimore aforesaid personally appeared Rachel J. Warford

the being known to me to be the person who is named and described as and professing to be, the party of the first part to the foregoing deed or Indenture and doth acknowledge the same to be her act and deed. In Testimony Whereof I hereunto subscribe my name on the day and year aforesaid — Edwd J. Peters.

And further proved by a witness that he knew Hamilton Warford who was brother of Rachel Jane Warford & of the Caveator & lives in Ohio & had seen him in Baltimore in 1853 & the delivery and acceptance of the deed to F. W. Bruno was admitted but there was no proof touching the knowledge of nor acceptance of the deed to Hamilton Warford by said Hamilton other than what is above recited and the Caveators insisting on their objections the Court overruled the same and allowed Rachel Jane Warford to be sworn: To which ruling the Caveators except and pray the Court to sign & seal this Bill of Exceptions which is done accordingly this 7th day of February 1855.

Albert Constable (Seal)

Caveators or Plaintiffs, Second Exception.

At the trial of this cause the Caveator proved by A George W. Teackle a competent witness produced by the Caveators on his cross examination by Caveatee, that he endeavoured to get the testator Rachel Colvin, to insert in the will of 1845 mentioned in the issues the name of Mrs Mary Ann Ellicott as a devisee but the said testator refused upon the ground that Mrs Ellicott was the only child of a rich father: the Caveatee likewise proved by Colonel Berry, Rachel Jane Warford and the said Teackle that at other times the said Rachel Colvin gave as a reason why she had not made provision for Mrs Ellicott in her Wills that the said Mrs Ellicott owned be sufficiently provided for by her father who was a rich man. The Caveators then proved by Mrs Ellicott a competent witness that in the year 1847 and in the fall of that year, the Defendant Colvin Warford called upon her and in the course of conversation during his visit asked her if she knew how much her father was worth? to which she replied, I do not, That Colvin Warford then said that he had been to New Jersey and would tell her how much he was worth, and that he was worth One hundred thousand dollars and the Caveators further proved by the same witness that about three or four weeks after this interview witness went to see Miss Colvin and Miss Colvin said I wanted to see you to tell you I had made a will leaving you a legacy but Colvin says your father is worth one hundred thousand dollars and you will have more than the others and I must not give you anything.— It is agreed that the two wills of 1845 & 1848 which are set out in the subsequent exception shall form a part of this exception as if they were here inserted — The Caveatee then offered to examine —— Shriver as a witness and having called him to the stand. The witness being objected to by the Caveators Counsel and the Counsel for the Caveatee being requested to state what they offered to prove by said witness, said that they offered said witness for the purpose of contradicting Mrs Ellicott or impeaching her by showing that she was mistaken as to the time of said conversation if any was had or that the statement of said Warford in said conversation if it was had was true. The Caveatee then proved by said —— Shriver; That he was one of the assessors of one of the Townships of Hunterdon County, New Jersey where Elisha Warford the father of Mrs Ellicott, that he had been assessor of Taxes for nine years once in 1840 to 1846 and was again appointed in 1850 and has