members privileges advantages and appurtenances thereto belonging or in any wise appertaining and all the estate right title and interest trust property claim and demand whatsoever at Law and in Equity of them the said William Heaney and Elizabeth his wife of in and to the same To Have and to Hold the said herein described premises with the appurtenances thereunto belonging to the said James W Abernathy his Heirs and assigns forever. And the said William Heaney for himself and his Heirs Executors and administrators doth covenant with the said James W Abernathy his Heirs and assigns that he and his heirs Executors and administrators shall warrant and defend the same to the said James W Abernathy his Heirs and assigns forever against the lawful claims and demands of all.

Testimony Whereof the said William Heaney and Elizabeth Heaney his wife have hereunto set their hands and seals on the day and year first above written

Signed sealed and delivered in presence of
Katherine B Heaney

William Heaney (Seal)
Elizabeth Heaney (Seal)

State of Maryland Allegany County sct

Be it remembered and it is hereby certified that on this 2d day of Sept in the year of our Lord 1854 before the subscriber a justice of the peace of the State of Maryland in and for Allegany County aforesaid personally appeared William Heaney and Elizabeth Heaney his wife formerly of the County and State aforesaid Barbour County in the State of Virginia they being known to me to be the persons who are named and described as and professing to be the parties to the annexed and foregoing deed of mortgage and do severally acknowledge the said mortgage or instrument of writing to be their respective act and deed the said Elizabeth Heaney having signed and sealed said mortgage before me in the presence and hearing of her husband and the said Elizabeth Heaney having upon examination privately in the presence and hearing of her said husband whether she doth execute and acknowledge the same freely and voluntarily and without being induced to do so by fear or threats of ill usage by her husband or by fear of his displeasure, declared and said that she did.

Testimony Whereof I have hereunto subscribed my name on the day and year aforesaid.

Nathaniel B Heaney J.P. (Seal)

To the admissibility of which last mentioned deed the plaintiff by their Counsel objected but the Court overruled said objection and admitted said deed to be offered in Evidence before the Jury to which ruling of the Court the plaintiff by their Counsel excepted and prayed the Court to sign and seal this his bill of

Bill of Exceptions this 19 of Oct 1858.

Thos Perry (Seal)

To admissibility of Evidence offered in the aforegoing Bill of Exceptions the defendants offered in evidence a deed from Wm Haney and wife and Peter Miller and wife to W B Dobbin and others bearing date 10 July 1856 and recorded Oct 14 1856 as follows to wit.

This Deed made this 10 day of July in the year 1856 by William Heaney Elizabeth Heaney his wife of the said William Heaney Lloyd Key Miller and Margaret Ann Miller wife of the said Lloyd Witnesseth that in consideration of 1495 dollars and 50 cents the said parties of the 1st part do grant unto William B Dobbin Hezekiah Smith Warfield and William Kentes to their the same as tenants in common the following described tract of land situated in Allegany County Maryland being part of an Original tract known as Ott's Garden and described as follows Beginning at the mouth of Big Laurel Run thence up said run North 55° W 12 perches S 40° W 16 perches S 75° W 10 perches N 64° W 22 p S 79° W 30 p S 67 W 14 p N 30° W 66 p S 82° W 18 p S 37° W 66 p S 33° W 16 p N 32 degrees W 22 p S 63 W 16 p S 80 W 26 p S 85° W 28 p S 35° W 18 p S 83° W 18 p S 62 W 13 p S 38 W 8 p S 66½° W 14 p S 32 W 20 p S 58° E 8 p S 59 W 10 p S 47° W 24 p S 49 W 18 p S 21 W 6 p S 60 W 8 p S 31 W 8 p S 52 W 10 p S 10 W 14 p S 69 W 12 p S 62 W 16 p S 38 W 34 p S 19 East 8 p S 60 W 10 p S 34 W 14 perches S 72 W 32 p S 16 W 14 p S 18 W 12 p South 34 W 24 p South 66½ W 10 p S 86 West 14 p S 46 W 26 p S 48 W 20 p S 36 W 44 p S 35 W 20 p S 30 W 20 p S 87 W 16 p S 86 W 16 p S 89 W 30 p S 81 W 16 p S 86 W 16 p S 89 W 30 p S 81 W 16 p S 43 W 14 p S 76 W 12 p S 68 W 14 p S 69 W 16 p S 10 W 16 p S 74 W 18 p S 79 W 28 p S 69½ W 8 p S 75 W 16 p S 39 W 26 p S 71 W 16 p S 54 W 20 perches S 12 p S 45 W 10 p W 10 p thence bearing said Laurel run and with every the original lines reversed S 37 E 200 p to a beech thence running across the O H Garden survey S 59½ E 174 p to a cherry a corner to Thomas Pugh thence with lines of Thomas Pugh S 40 East 100 perches to a beech and birch S 19 E 138 p to a sugar tree N 40 W 60 p to a hickory N 24 W 29 perches to a poplar N 38 East 190 perches to two Lynns on the bluffs S 70 East 100 p to a beech cherry and birch S 60 E 110 p to 2 ash on a ridge S 45 E 52 perches to 4 sugars on a beech N 68 E 86 perches to a birch and sugar S 38 East 54 p to a sugar tree and two perches E to the run Thomas thence down and with the meanders of said River to the mouth of Laurel run containing 997 acres more