his and their only proper use and behoof and to and for no other use intent or purpose whatsoever.

In Witness whereof the said John Graham hath hereunto subscribed his hand and affixed his seal the day and year first herein above written.

Signed sealed delivered in presence of Alfred Shriver } John Graham (Seal)

State of Maryland Frederick County to wit

Be it remembered that on this 26 day of January 1833 before the subscriber one of the Associate Judges of the 5th Judicial district of the State of Maryland personally appeared John Graham party to the within Indenture and the trustee mentioned and acknowledged the same to be his act and deed for the purposes therein mentioned

And I hereby certify from my own knowledge that the said John Graham making the above acknowledgment is the person named and described as and professing to be party grantor with within Indenture

Taken and certified by Alfred Shriver

Also Recorded the Will of Joshua Johnson dated July 1st 1851 also report of Wm T Ross Executor of Joshua Johnson 23d July 1856 also order of Orphans Court of 29 July 1856 ratifying said sale also final order of ratification of sales Aug. 26th 1856 also the last above named Will Report order of Orphans Court order of ratification of sales are not filed among the papers in this case and the Counsel in the case have failed to produce them to the Clerk though often requested so to do Clerk. Also deed from Wm T Ross Executor of John Johnson to Thomas Hammond Augt 6 1858 Liber H.K.R No 17 folio 396 which deed is in the words following to Wit

This deed made this third day of August in the year 1858 by William T Ross Executor of the last will and testament of Joshua Johnson late of Allegany County State of Maryland deceased Witnesseth that the said Joshua Johnson by his last will and testament devised all his real Estate to be sold by his Executor and whereas the said William T Ross as Executor did on the 26 day of May in the year 1856 sell at private sale to Thomas Hammond and undivided moiety in and to Lots No 312 3904 3905 3906 and 3907 Soldiers

April Term 1867

Lots lying west of Fort Cumberland containing each fifty acres at and for the sum of two thousand dollars which said sale has been reported to and finally ratified by the Orphans Court for Allegany County State aforesaid and the whole purchase money for the same having been paid by said Thomas Hammond to said William T Ross Executor aforesaid In consideration thereof the said William T Ross as Executor of the last will and testament of said Joshua Johnson doth grant bargain sell and convey to said Thomas Hammond and undivided moiety or half part of Lots No 312 3904 3905, 3906 and 3907 Soldiers Lots lying West of Fort Cumberland in Allegany County State of Maryland Witness my hand and seal

Test Thomas T White William T Snider

State of Maryland Allegany County set I hereby certify that on this 30 day of August in the year 1858 before the subscriber a Justice of the Peace of the State of Maryland in and for Allegany County personally appeared William T Ross Executor of the last will of Joshua Johnson and acknowledged the foregoing deed to be his act.

Andrew Snider JP

1858 Sept 14th Received for Record and was recorded in Liber H.K.R No 17 folio 396 one of the Land Records of Allegany County Set

H K Resley Clk

The plaintiff here rested his case.

The defendant then served by James Chisholm Head his County Surveyor made and the plats to which are shown to me, marked locations of defendants possessions No 1 and 2 on the plat as pointed out to me on the ground by witness named in return according to the red lines and figures of the same. The location of possession No 1 with the below lines is as the fences stood when the survey was made and now stands, as was made by me as seen by myself and pointed out by the Witness in the survey after the plats and explanations had been returned into Court according to date and measurement taken by me when the survey was made under the base of defendants to amend,

On cross examination he said I located lot No 3905 as stated down in the plats beginning at the beginning of Rich Tree as pointed out by William Shaw the first tree I went up to make survey