acknowledged hath granted bargained and sold aliened enfeoffed released and confirmed and by these presents doth grant bargain and sell alien enfeoff release and confirm unto the said Richard H Battee and William L Lowe their heirs and assigns all that tract or parcel of land lying and being in Anne Arundle County aforesaid which is described in and was conveyed by a certain deed or Indenture from one Henry C S Haubert and Caroline his wife unto the said George W Nutwell dated the fourteenth day of January in the year eighteen hundred and forty two and recorded in Liber W.S.G. No. 26 folios 281 one of the Land Record Books of said County together with all and singular the buildings and improvements thereon erected and other the appurtenances thereunto belonging and all the right title interest and estate of the said George W Nutwell both at Law and in Equity in and to the same and every part and parcel thereof To Have and To Hold the aforesaid tract or parcel of land and premises above described with the appurtenances unto the said Richard H Battee and William L Lowe their heirs and assigns and to their own proper use and behoof as joint tenants and not as tenants in common Provided nevertheless that if the said George W Nutwell his heirs Executors or administrators shall on or before the first day of November in the year eighteen hundred and forty five pay unto the said Richard H Battee and William L Lowe their Executors administrators or assigns the aforesaid sum of twelve hundred and ninety three dollars and ninety seven cents with interest thereon from the twenty fourth day of May in the year eighteen hundred and forty two then these presents and every thing herein contained shall cease and determine and be utterly null and void and it is hereby agreed and understood by and between the parties aforesaid that until default shall be made of or in payment of the aforesaid sum of money and interest or some part thereof in breach of the proviso or condition aforesaid it shall and may be lawful to and for the said George W Nutwell and his heirs to hold and enjoy the aforesaid tract or parcel of land and premises hereby granted with the appurtenances and the rents issues and profits thereof to take and receive to his and their own use without any lawful let suit interruption disturbance claim or demand whatsoever of from or by the said Richard H Battee and William L Lowe their heirs or assigns or any person or persons lawfully claiming or to claim by from or under them or any of them, In Witness whereof the said George W Nutwell hath hereto set his hand and seal the day and year first hereinbefore written.

Signed sealed and delivered in presence of R Welch of Ben G W Nutwell (Seal)
J W Hunter

Anne Arundel County Towit On this seventh day of March in the year eighteen hundred and forty two before us Justices of the peace in and for the said County personally appeard George W Nutwell whom we know of our own knowledge to be the identical person named and described as and professing to be the party grantor in the forgoing Instrument of writing and acknowledged the same to be his act and deed.

R Welch of Ben J W Hunter

Recorded the 7th day of March 1843.

State of Maryland Anne Arundel County Set

I hereby Certify that the foregoing is truly taken from Liber W.S.G. No. 26 folios 509 &c one of the Land Record Bonds of Anne Arundel County

(Seal) In Testimony whereof I have hereto set my hand and affixed the seal of Anne Arundel County Court this fifth day of November 1846.

Lo. H Nicholson Clk

We agree that the testimony taken under this Commission may be used at the hearing of this cause on the issue between the Complainants and Orville Horwitz. The Commissioner may proceed without further notice to take the examination of Thomas S Alexander to shew the assignment alleged by Battee and Lowe to Hopkins and then to close the Commission and we agree that the case may be submitted at any time after the return of the Commission.

Orville Horwitz
Th S Alexander for Complts.

The execution of the Commission appears from the Schedule annexed

Jno Carrere Comr (Seal)

And afterwards at the Term last aforesaid a Commission ex parte was issued under the said Interlocutory decree to John Carrere of the City of Baltimore to take Testimony in the said cause and afterwards at the Term last aforesaid the Commissioner aforesaid made return of his said Commission with his proceedings under the same in the words following towit:

Maryland &c. The State of Maryland To John Carrere of the City of Baltimore Greeting

Know That we have appointed you to be our Commissioner to examine evidences in a cause depending in our High Court of Chancery between Johns Hopkins and others Complainants George W Nutwell and Orville Horwitz defendants. We therefore require you having first taken the oath hereunto annexed and also administered the annexed oath to the person whom you shall appoint as Clerk to attend the execution of this Commission that at such time and place as to you shall seem convenient you cause to come before you all such evidences as shall be named and produced to you by the plaintiffs and that you examine them on their corporal oaths to be by you administered upon the Holy Evangely of Almighty God, touching their knowledge or remembrance of any thing that may relate to the cause aforesaid and that you cause notice to be given to the Complainants or their attornies of the execution of this Commission, before you execute the same and having reduced the depositions of the Witnesses so taken by you into writing, you send the same with this our commission close under your hand and seal to us in our High Court of Chancery with all convenient speed.

(Great Seal) Witness the Honorable John Johnson Esquire Chancellor this 11th day of November Anno Domini 1847.

Test Louis Gassaway Reg Cur Can

Commissioners Oath

You shall according to the best of your skill and knowledge truely faithfully and without partiality to any or either of the parties take the examinations and depositions of all and every witness and witnesses produced and examined by virtue of the Commission hereto annexed upon the interrogatories now or which may hereafter before the said Commission is closed be produced to and left with you, by either of the said parties so help you God sworn to by John Carrere the within named Commissioner this 13th day of November 1847 before me