

and also all the other small Tract of Land, containing about fifteen acres, more or less lying and being in the mountain, in the neighbourhood of Emmelsburg, all of which lands, and Real Estate aforesaid is described & set forth, in the report of sales, in Frederick County Court as a Court of Chancery in the case, in which it passed, and reference is now made, to the same for greater certainty to have and to hold, all the Estate aforesaid, to the said Elias Foxell & Peter Foxell, their heirs & assigns forever to be held by them as Tenants in Common, and not as joint Tenants In Witness whereof I have hereunto set my hand & seal this 26. day of February 1824.

Signed seals & deliv^d in the presence of *Bene S. Pigman.*

Presented of Abraham Shivers
Which is thus endorsed. Vj. Maryland: Frederick County Ct.
On the 26 day of February in the year of our Lord One thousand eight hundred and Twenty four came Bene S. Pigman - party grantor in the within deed, before me the subscriber, one of the associate Judges of the Fifth Judicial District of the State of Maryland, and acknowledged the aforesaid Instruments of writing, to be his act & deed, and the Real Estate, therein mentioned, to be the right, and Estate of the said Elias Foxell, and Peter Foxell, their heirs & assigns for ever, to hold as Tenants, in Common, and not as Joint Tenants.

Acknowledged Before
Abraham Shivers

State of Maryland, Frederick County Ct.
I hereby certify that the aforesaid is a true copy, taken from Liber, Fd. No. 19. fol 587. & one of the said Records of Frederick County, In Testimony whereof I hereunto set my hand, and affix the seal of Frederick County Court, this 29. July 1857.
(M. A. Tyler)

Exhibit
4.

At the request of Peter Foxell, the following -
Deed was Recorded 26. May, 1827.

This Indenture - made this Thirtieth day of April, in the year of our Lord, one thousand eight hundred & Twenty seven, Between George M. Eckelberger, acting executor of the Testament, and last will of Elias Foxell, late of Frederick County, in the State of Maryland dec^d. of the one part, and Peter Foxell of the County & State aforesaid of the other part; Witnessed - Whereas the said Elias Foxell, by his last will and Testament, duly executed - bearing date, on or about the Twenty Second, day of July eighteen hundred, and Twenty four, and Recorded in the Office of the Register, of wills of said County, did authorize, and empower, his executor therein named to dispose of and convey his Real Estate, for the purposes in said will expressed, and set forth. And whereas the said George M. Eckelberger, having become the sole & acting