such estate or estates, as my said daughter shall appoint, by her last will and testament, duly executed, or by any writing under her hand and seal executed in the presence of two witnesses which will, writing and appointment she is hereby empowered to make, notwithstanding her coverture; and in default of such appointment, then to my next of kin in equal degree, and their heirs, share and share alike, and it is my will that my said friends, or the survivor of them, or the heirs, executors and administrators of such survivor, shall collect and receive all monies and debts that may be due to me at the time of my death, and after keeping one third part thereof to my said wife, shall invest the rest due in stocks or ground rents to be held by them subject to the aforesaid trusts: and I hereby give power to my said friends, and the survivor of them, and to the heirs, executors and administrators of such survivor, at any time during the life of my said daughter, to sell and transfer my stocks of every kind, or any part thereof and to reinvest the proceeds of such sale in such other productive fund or property, as may, in the opinion of them, and my said daughter, which opinion shall be witnessed by writing under her hand, be more beneficial for her, and thus entitled under the aforesaid trusts: and also at any time during the life of my said daughter, and with her consent expressed by writing under her hands, to lease and let out upon rents, payable annually, half yearly or quarterly, with the usual powers of distress and re-entry for non payment of rent, all and any part of my real estate, of which I may die seized, for ninety nine years, or for any less term, and without or without covenants for perpetual renewal, which rents, so to be reserved, and also the stocks funds and property to be purchased or acquired by investment as aforesaid, shall be in all respects subject to the dispositions and trusts herein made and expressed, and I do appoint my said friends, Ebenezer Finley, Christopher Johnson and William Cochran, executors of this my will. In Witness whereof, I have hereunto set my hand and seal, this twenty fifth day of March, in the year of our Lord one thousand eight hundred and three. Daniel Deady (Seal)

Signed, sealed, delivered and published by the said Testator, as his last will and testament, in the presence of us, who, in his presence, at his request, and in the presence of each other, subscribed our names thereto as witnesses. The name "Winny" in the fourth line of the 1st page being first altered by his direction to "Winnefred"

Robt. M Harper, Robert Walsh, Jun. George C Grundy.

Baltimore County to wit. On the 18th day of November 1803, came Robert Walsh Jun. and George C Grundy, subscribing witnesses to the foregoing last will and testament of Daniel Deady, deceased, and made oath &c. that they did see the testator sign and seal this will - that they heard him publish, pronounce and declare the same to be his last will and testament, that at the time of his so doing, he was of sound disposing mind, memory and understanding, and that they subscribed their names as witnesses to this will, in his presence, at his request, in the presence of each other, and of the other witnesses, who subscribed his name in their presence and in the presence of the testator.

Sworn before me, Register of Wills for B. City. Wm. Buchanan.

We renounce all right and title to the administration on the estate of Daniel Deady and do not mean to act as executors or trustees to his will. Given under our hands

and seals this 18th November 1803. E. Finley (Seal) Wm. Cochran (Seal)

I, Winnefred Ann Deady of the City of Baltimore, widow of the late Daniel Deady, of the City of Baltimore deceased, do hereby renounce and quit all claim to any bequest or devise made to me by the last will of my husband, exhibited and proved according to law, and I elect to take, in lieu thereof, my dower or legal share of the estate of my said husband Daniel Deady. Witness my hand and seal this sixteenth day of November 1803.

Witness, Gunning S. Bedford. Winnefred Ann Deady (Seal)

In Testimony that the aforegoing is a true copy taken from the records of the Register of Wills for Baltimore County, Libor W.B. No 9 folio 242 &c. I have hereunto set my hand and affixed (Seal) the seal of my office, this third day of May, in the year of our Lord one thousand eight hundred and twenty six. D. M. Perine, Register."

To the admission of such copy of the said will, the said Defendants objected. 1st. Because the said copy of the said will is not sufficient proof of the due execution of the original will. 2d. Because the said will not the property therein mentioned, has not been located on the plats in this cause. 3d. Because the property mentioned therein does not appear to be the same property, or any part thereof, for which this suit is brought, or for which the Defendants have taken defense. But the court admitted the evidence - to which admission and opinion the Defendant excepted, and thereupon the Defendants prayed the Court to instruct the Jury, that if they believe from the evidence in the cause that George Lux entered upon the said Daniel Bowly and disseized him of the premises in dispute in the year 1785, or before, and after having so disseised him, the said William Russell entered upon the premises, claiming under the said disseisen, and by virtue of the title by the dissaisin aforesaid, and that afterwards Daniel Deady entered upon the said land, claiming under the said Russell by the said title by disseisin, and continued so possessed for the space of ten years and upwards, and until his death, and that he died in 1803, leaving at his death only one child, a daughter, to whom in the said descended by virtue of the said title by disseisin, and that Daniel Bowly made no claim to the said land during the time that Deady had possession thereof as aforesaid, that then the Plaintiff are not entitled to recover in this suit. Which opinion or instruction the Court refused to give, because they held the doctrine of disseisin not in force in this state, so as to give title to the heir of a disseisin, and that if it were in force Daniel Deady having left a will, his heir took by virtue of said will and not as heir to the Daniel Deady as a disseisin. And to this refusal of the court, the Defendants by their counsel also excepted, and prayed the Court here to sign and seal this bill of exceptions, which is accordingly done on this 11th day of May 1826. Ch. M Hanson (Seal)

Defendants 11th Exception. "The Defendants in addition to the evidence above stated, offered in evidence that George Lux, the son of William Lux, named in the will, lived to the age of about forty years, and more, and married, and had issue, which issue died in his life time. The said George Lux died in 1797 or 1798. upon the whole evidence stated in this and the preceding exceptions, the Defendants by their counsel, pray the opinion of the Court, that under the will of the said William Lux, Daniel Bowly the original Lessor of the plaintiff in this action, was not entitled, to the