And the defendant asks the following instructions,

The defendant prays the Court to instruct the Jury,

1st That the declarations made by George Lynch at the time of the Calling the Writ from Mackey Ford Esq. testified by Cocks and Dehoff are not to be considered by the Jury under the objection taken to.

2nd That the Deed offered by the plaintiff is not Evidence of title, because the said deed was not executed according to Law,

3d That said deed is Evidence of a conveyance to her is only Evidence of a Conveyance by Dennis Lynch and Joseph Lynch,

4th That said Deed is Evidence in connexion with the parol proof offered in Evidence only for the purpose of showing that the plaintiff was a tenant in common of said property,

5th That if the Jury find from all the Evidence in the cause that she was only tenant in common with Priscilla Lynch or with Priscilla Lynch and the other persons claiming the Evidence to be the Heirs at Law of their Ancestor George Lynch, that then the plaintiff is not entitled to recover upon the pleadings and Evidence in this cause,

6th If the Jury shall find from the Evidence in this cause that George Lynch the ancestor sold and property mentioned in the proceedings in this cause to Mackey Ford about the year 1825 and delivered possession thereof to said Mackey Ford, and that before the whole consideration money for the said Lynch in part performance of said Contract of purchase, and shall also find that she returned possession of said property at the time of the sale under the Execution offered in Evidence, and shall find that she claimed said property up to the time of her death, and shall also find from the Evidence that the defendant took possession at the time of said Constables sale and retained possession until the institution of this suit, that then the plff is not entitled to recover.

7th If the Jury shall find from the Evidence that the Defendant purchased said property at the request of the Ancestor George Lynch, and that possession thereof was delivered to him by the Officer who made said sale that then the plaintiff is not entitled to recover in this action,

8th That if the Jury shall find from the Evidence that said defendant acted under the advice of Counsel, believing that he had a claim to said property that then the plaintiff is not Entitled to recover on the first two Counts in the declaration,

9th That the plaintiff has failed to offer any Evidence to show Notice upon the part of the deft in forbidding said sale, or want of probable cause in said defendant making the declarations offered in Evidence in reference to said sale,

10th That the papers offered in Evidence relating to the action and proceedings of the Superior Court, making the reference of said sale are not Evidence and are excluded from the consideration of the Jury, the said proceedings being coram non judice.

11th That if the Jury shall find from the Evidence that Lynch the ancestor defendant was in the possession of the property and no Entry was ever been made by the heirs of said George Lynch, since his death, nor the plaintiff, that then the plaintiff is not Entitled to recover upon the third Count.

12th That to entitle the plaintiff to recover upon the first two Counts the Jury must find from the Evidence that there was Notice on the part of defendant and want of probable cause, and that the Jury must infer want of Notice, if they find to actual

under the advice of Counsel, all of which were refused, but the first fourth, Eighth and tenth, to which taking the defts Exceptions Especially to the granting of plaintiff prayer,

Lynch
vs
Gent

In the Cir Ct Baltimore Co.

The defts exceptions to the prayer of the plaintiff granted by the Court,

1st Because said prayer is Vague, and uncertain and calculated to mislead the Jury.

2d Because does not in proper form.

3 Because has assumed facts and for other reasons.

R R Bearman
J Malcolm Defts Atty.

And also Excepts to the refusal of his said prayers, and prays the Court to assign and seal this his Bill of Exception which is accordingly done this 3d day of September 1862.

John H Rice Seal

And thereupon the said William C Gent by his Attorneys aforesaid prays an appeal from the judgment of the Court here so as aforesaid rendered to the Court of appeals of the State of Maryland and to him it is granted

Whereupon the said William C Gent files in Court here a certain Writing obligatory commonly called an appeal Bond which is in the words and of the tenor following to Wit,

Know all men by these presents that we William C Gent Frances J Wheeler and Richard W Hook of Baltimore County in the State of Maryland are held and firmly bound unto Ruth C Lynch in the sum of two hundred dollars current money to be paid to the said Ruth C Lynch, her certain Attorney Executors administrators and assigns to the payment whereof well and truly to be made and done we bind ourselves our Heirs Executors and administrators firmly by these presents, Whereas the said Ruth C Lynch did obtain judgment against the said William C Gent in the Circuit Court for Baltimore County to the August Term thereof in the year 1862 for the sum of seventy dollars debt, and two hundred and 39 dollars and Ninety four cents with interest from the 26th day of August 1862 and costs from which said Judgment the said William C Gent hath prayed an appeal to the next Court of Appeals to be held for the State of Maryland.

Now the Condition of the above obligation is such that if the said William C Gent aforesaid shall not cause a transcript of the Record and proceedings be transmitted to the next Court of Appeals within the time required by Law and prosecute said Appeal with effect and also satisfy and pay to the said Ruth C Lynch her Executors administrators and assigns in case the said judgment shall be affirmed, as well the damages and costs accruing to the Circuit Court for Baltimore County aforesaid, as also all damages and costs that may be awarded by the Court of Appeals aforesaid then the said Bond to be void and of no Force and Virtue in Law, otherwise of no Effect,

In Witness whereof we have hereunto set our hands and seals this 17 day of December 1862

William C Gent Seal
F J Wheeler Seal
R W Hook Seal

Signed Sealed and Delivered in the presence of Ruth L Long.