December and I think he gave the day of the month, This was said in reply to a question asked by Mr Gordon and the plaintiff also gave in evidence the act of Assembly passed in the year 1856 chapter 158 passed March 8th 1866,

An act to make valid and certain deeds from Langollen Mining Co to William Lannan. Whereas on the 22d day of May in the year 1854 the Langollen Mining Company executed their deed to William Lannan of Allegany County purporting to convey a certain parcel of land to said Lannan lying and being in Allegany County, and which said deed was regularly recorded in Liber H.R. No 11 folio 385 &c of the Land Records of said County And whereas also the said Langollen Mining Company executed a certain other deed to William Lannan of Allegany County against to convey a certain parcel of land to said Lannan lying and being in Allegany County which said deed bears date the 24 day of June in the year eighteen hundred and fifty four and is duly recorded in Liber H.R. No 11 folio 422 &c of the Land records of said County which the several deeds are signed by H. F. Tallmadge president of the said Company and the Corporate seal of said Company affixed by the said President and whereas doubt exists as to the validity of said deeds by reason of certain defects in the acknowledgment of the said deeds Therefore;

Section 1 Be it enacted by the General Assembly of Maryland That the acknowledgments of both said deeds be and they are hereby ratified and made valid to all intents and purposes, as if said deeds contained a power of attorney from the Langollen Mining Company authorising and empowering the said H. F. Tallmadge to make said acknowledgments and as if said acknowledgments were made in conformity to all and every of the laws of this State regulating the acknowledgment of deeds by Corporate bodies.

Section 2 And be it enacted That the heirs of said William Lannan under and by virtue of said deeds, is made as valid and good in law, as if said deeds and acknowledgments were made and executed in accordance with the laws of this State Provided however that nothing in this act contained shall effect the rights of bona fide purchasers and creditors in the interim since which may have become to before the passage of this act.

Section 3. And be it enacted That this act shall take effect

April Term 1867.

from the date of its passage.

And then rested his case The defendants then rested their case.

The plaintiff then gave in evidence the act The plaintiff then prayed the Court to instruct the Jury as shown by his prayer.

The plaintiff by his Counsel prays the Court to instruct the Jury that if they shall believe from the evidence in the cause that William Lannan is dead that at the time of his death and prior thereto he was in possession of the lots in the declaration mentioned claiming title thereto and that he died in possession of said lots. And if the Jury shall further believe from the evidence in the cause that the defendant Winnefred Elwood was the wife of the said William Lannan at the time of his death and prior thereto and that she has since the death of the said William intermarried with the other defendant and that she and the said defendant have been possession of said lots ever since the death of the said William and if the Jury shall further believe from the evidence in the cause that at his death the said William left surviving him the said defendant Winnefred his widow and an infant daughter Mary Lannan and that the said Mary Lannan has since died before the commencement of this action intestate leaving the plaintiff Peter Lannan and John Lannan the only surviving brothers of her father and no aunts or sisters of her father that the defendants are not permitted to dispute the title of the said William Lannan but are estopped to do so.

And the defendant also prayed the Court to instruct the Jury as shown by their prayers.

1st The defendants by their Counsel pray the Court to instruct the Jury that the petition and affidavit offered in evidence subject to exceptions is not evidence for the purpose for which it was offered and that the defendants are not thereby estopped from denying the right of the right of the plaintiff to recover in this cause on the pleadings and evidence in the cause.

2d And they further pray the Court to instruct the Jury that there is not sufficient evidence in this cause to prove title in the lessor of the plaintiff and therefore the plaintiff cannot recover under the pleadings and evidence in the cause,