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and that said Lot Nos has been in possession of John Templeman and John Miller and those claiming under them or them ever since I knew the lots 40 years ago.

On cross examination Patrick Hamill further said Templeman never lived on the land Laughridge was the first person who I knew to live on the lot Nos Miller did not live on the land Green did not live on the land Wm Combs lived on the lot in the Laughridge house Combs went there to live in 1848, 1849 or 1850 and knew how Laughridge lived there whether as tenant or how I cannot Downey was the next person to live there after Laughridge died and how upon what terms Downey lived there Frank Dawson also lived there but died and knew upon what terms Col Wm John Rigbie lived there also and died knew upon what terms had no knowledge that any of these parties paid rent never heard of any one claiming it in their own right and then rested his case The defendants the offered in evidence the prayers which were part of the bills of exceptions taken at the former trial of this cause,

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 purposes for which it was offered and that the defendants are not thereby estopped from denying 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

3d The defendants by their Counsel further pray the Court to instruct the Jury that if they shall find the facts stated in the recitals of the Copy of the patent offered in evidence by the plaintiff then they may presume that a patent was issued by the State of Maryland for said lands to Charles Queen prior to the issuing of the patent to John Miller a Copy of which is now offered in evidence and if they do find then the plaintiff cannot sustain this action under any title derived by said patent to John Miller,

4th And further prays the Court to instruct the Jury that if they shall find from the evidence in the cause that the plaintiff Grace and those under whom he claims did not hold adverse continuous

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and uninterrupted possession of the land in controversy with claim of title for 20 years prior to the commencement of this suit that any possession they may find in said Lessor or those under whom he claims will not be sufficient to prove title in the lessor of the plaintiff.

5th And further prays the Court to instruct the Jury that if they find from the evidence in the cause that William Lannan died seized of the lots in controversy leaving a daughter Mary Lannan surviving him that said Mary died after the 1st of December 1863 and that said William had a brother named Michael who died leaving children and that said children are still living then the plaintiff cannot recover on the pleadings in this cause but the plaintiff objected to the same and the Court sustained the said objection and refused to grant said prayers to be given in evidence to the Jury to which ruling the defendants excepted and prayed the Court to sign and seal this their second bill of exceptions which is accordingly done this 11th day of October 1865

Geo A Pearre (Seal)

And both parties then rested their case,

The plaintiff then prayed the Court to instruct the Jury as shown by his prayers numbered 1 and 2 inclusive.

1st Prayer Plff. 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 by the deeds offered in evidence by the plaintiff and that he died in possession of said lots claiming title as aforesaid and if the Jury shall further believe from the evidence in the cause that the defendant Winnefred Edwards was the wife of the said William at the time of his death and prior thereto that she held possession of said lots from the death of her said husband until her intermarriage with the said Morris and that she and the said Morris owned said intermarriage have held possession of said lots and now hold possession 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 as his widow and an infant daughter Mary Lannan