The defendants move the Court to exclude the copy of a certain deed offered in evidence by the plaintiff and allowed to come in subject to exception, from David Keener to Armstrong and Dulin, trustees, dated 29 of Nov, 1844. 1. Because the same contains no sufficient description of any property or lots of land, to pass title thereto; 2d, because the plaintiff has failed to locate any land purported to be conveyed by said deed.

6th Prayer.

The defendant moves the Court to exclude the copy of a certain deed offered in evidence by the plaintiff, and allowed to come in subject to exception, from one Nicholas Poplein, Sr., to the plaintiff, of date the 16th of Sep., 1850, and recorded Oct. 24th, 1856. 1st. Because the same was not recorded within the time required by law.

7th Prayer.

The defendant pray the Court to instruct the jury that there is not sufficient evidence in this case to prove title in the plaintiff, and therefore the plaintiff cannot recover under the pleadings and evidence in this case.

And the Court rejected the first, second, third, fourth and sixth prayers, and granted the fifth as modified and limited by the Court, and also the seventh prayer, and to the granting of the 5th prayer as modified, and the seventh prayer, the plaintiff, by his Counsel, excepted, and prayed the Court to sign and seal this, his bill of exceptions; which is accordingly done, this 11th day of December, 1879.

Richd. Grason, [Seal.]

Geo. Gellott. [Seal.]

Dec. 18, 1879. Motion to introduce new evidence, motion overruled. (Docket entry.)

Same day verdict for defendants, and judgment on verdict for defendant for costs. (Docket entry.)

An explanation of the docket entry "Dec 18, 1879, motion to introduce new evidence: motion overruled" the following paper is sent to the Court of

Appeals by request of plaintiff's Counsel:

And on the 18th day of December, 1879, before the jury had been instructed, as stated in the 20th Rule of the Circuit Court of Baltimore County, on the law side thereof, and provided in the 31st of said rules, (here insert them) the plaintiff by his counsel, made application to said Court to permit the additional documentary evidence to be given of the description of the lots embraced in the deed of David Keener to Armstrong & Dulin, trustees, recorded among the Land Records of Baltimore city, Lib. J.K., No. 314 fo. 346, &c, which lots are therein mentioned as "five building lots on Lee, near Lorne st., 102 feet, at $125 per foot, $2,100;" and on the margin of sd. deed, as applicable to sd. lots – among other property the words "described fully in a mortgage made to the Farmers and Planters Bank in the month of May, 1841," mentioned in the foregoing deed, viz: that from Keener to sd. trustees – is a mortgage from David Keener to the Farmers and Planters Bank of Baltimore, dated the 28th day of May 1841; which deed was offered in connection with the deed of release of sd. mortgage, dated 30th day of November, 1844, recorded among sd. City Records, Lib. J.K., No. 347, fo. 202 &c.

And sd. proposal and application for sd. Court's permission were in reference to the liberal provisions.

And the rules of Court, in reference to this matter, are as follows:

Closing of Evidence and offering Prayers.

29. The Court will ordinarily require that all evidence intended to be produced by plaintiff or defendant, shall be offered before any prayer is made to the Court for its instructions thereon. But in special cases, after the plaintiff's case shall have been closed, the Court, in its discretion, will permit the defendant to submit a prayer or prayers involving the right of the plaintiff to recover, and the extent of such right; but if a prayer so offered is overruled, the defendant shall have a right to go on with his case. The Court, in its discretion, may allow a party to offer