devise and bequeath all the rest and residue of my estate whatever real, personal or mixed and whether in possession, remainder or reversion to her and her heirs forever." Which said will and last testament bears date the second day of March, 1859, and was admitted to probate in the Orphans' Court of Talbot County, on the twenty second day of October, 1863, the said Mary Blades, having departed this life sometime in the month of June in the year 1863. In 1872, the said Mary Jane Blades, married the defendant, William H. Bostick, and subsequently, to wit, sometime in the month of June, in the year 1876, the said Mary Jane Bostick, departed this life, having made her will and last testament, a copy of which herewith filed, marked "Exhibit A," and is to be taken as a part of this statement of facts. The will is dated April twentieth, 1876, was admitted to probate on the thirtieth day of June, in the year 1876, letters testamentary upon her estate were granted by the Orphans' Court of Talbot County, to William H. Bostick, the defendant who thereupon took possession of all of her estate and who still remains in possession of the lands described in the plaintiff's declaration. In February 1880, the defendant, William H. Bostick, married again and thereupon this action was brought to eject him from the lands aforesaid under the terms of Mary Jane Bostick's will and last testament. Upon this statement of facts two questions are submitted to the Court; they are:

First. Whether or not the said Mary Jane Bostick, was, under her mother's will, possessed of such an estate in the said lands as to enable her to make disposition thereof by will.

Second. Whether or not the plaintiff is entitled to recover in this action under the terms and conditions of the will and last testament of the said Mary Jane Bostick, the said defendant having remarried since the death of said Mary Jane Bostick, and the probate of her will and last testament.

It is further agreed that the Circuit Court may enter judgment

as they shall find, and that upon appeal, (if an appeal shall be prosecuted) the Court of Appeals shall enter a final judgment.

All errors and informalities in pleading are waived.

Philip T. Thomas,
J. T. Bateman,
For Plaintiff.
J. C. H. Powell and
Wm. R. Martin,
Att'ys for Defendant.

It is further admitted in this case, that the property described in the declaration in this case, is the same property mentioned in the will of Mary Jane Bostick, that the plaintiff is the Stansbury Blades named in said will, that the debts and funeral expenses of Mary Jane Bostick, but not the legacy to Stanley Blades, were paid out of the rents of the property in controversy, before this suit was instituted, the executor retaining in his hands the said legacy, no demand having been made upon him therefor, and that the said Mary Jane Bostick had no children.

Thomas J. Bateman,
Pltff's Att'y.
J. C. H. Powell and
W. R. Martin,
Defendant's Att'y.

"Exhibit A," referred to in the above statement of facts reads as follows, to wit:

Exhibit A.

I, Mary J. Bostick, of Talbot County, in the State of Maryland, being of sound mind, memory and understanding, do hereby make and publish this my last will and testament, in manner and form following:

First, and principally, I commit my soul to God, and my body to