the agreed statement of facts, that under the devise in the will of the said Ann Samden, Capt. Wm. H. Gardner, therein mentioned, took an estate tail from all general, in the real estate, the subject of this suit, which, on the death of the testatrix, under the Statute Law of this State, descended to his heirs-at-law of whom the plaintiff in this suit is not one, and therefore is not entitled to recover.

Defendant's 3d Prayer.

The defendant prays the Court to rule, and to decide from the agreed statement of facts, that under the proper construction of the will of the said Ann Samden, the plaintiff took no interest in, or to the claim to the real estate, the subject of this suit, inasmuch as her, mother, the said Frances A. Halstead, mentioned in said statement, was alone at the death of said testatrix, and is still alone, and therefore the plaintiff is not entitled to recover.

And the Court rejected the plaintiff's prayer, as also the first and second prayers of the defendant, but granted the defendant's third prayer; and to the rejection of her said prayer, and to the granting of the defendant's third prayer, the plaintiff, by her counsel, excepted, and prayed the Court to sign and seal this, her bill of exceptions; which is accordingly done - 13th day of June, 1882.

Oliver Miller, (Seal.)

Defendant's Second Exception.

After the signing and sealing of the aforegoing exceptions, which are prayed to be taken as part of this, the defendant, by his counsel, excepted, to the rejection of his first and second prayers, and prayed the Court to sign and seal this, his second bill of exceptions; which is accordingly done this 13th day of June, 1882.

Oliver Miller, (Seal.)

It is agreed, that the proceedings in Equity Case No. 426, referred to in the bill of exceptions, need not be inserted in making up the record for the Court of Appeals; but either party in the said Court, shall have the right to use and rely on the papers in the said cause, in the same manner as if they were inserted as part of the bill of exceptions.

W. H. Tuck,
J. Ireland
For Plaintiff

Frank H. Stockett,
For Defendant.

And the said Plaintiff, by her attorneys aforesaid filed in Court here, the following:

Fannie G. E. Halstead, vs Julius C. Hall.	In the Ct. Ct. for A. A. Co. No. 84, Trials, April Term, 1882.

Mr. Harwood: Please enter an appeal on the part of the plaintiff in the above cause.

W. H. Tuck,
Jno Ireland,
Attorneys for Plaintiff

19th June, 1882. Fannie E. E. Halstead, vs Julius C. Hall.	April Term, 1882.

Eject; nar. filed; rule; plea not guilty.
1882, June 7. Submitted to the Court, and tried by the Court.
June 13. - Finding and judgment for the defendant; exceptions filed.
1882, June 21. - Order for appeal.