"The Border State Perpetual Building Association of Baltimore City," defendant, by service on William T. Byrnes, its secretary, on the 10th day of September, 1881; also copy of declaration and notice under seal, served on William H. Armstrong, tenant, in possession of the land comprised in the said declaration on the 10th day of September, 1881; non est as to Kate Kerns, defendant.

Alfred E. Smyrk,
Sheriff.

14 September, 1881.- Appearance for defendants, and plea of non cul f'd, and issue joined.

31st March, 1883.- The cause was submitted to the Court for determination, without the aid of a jury.

On the 19th day of April, 1883. the Court rendered a verdict in favor of the defendants, and on the same day, judgment on the verdict was entered up by the Court in favor of the defendants; and thereupon, the Plaintiffs prayed an appeal from the judgment of the Court, in open Court, which was granted.

Bill of Exceptions.

(Filed May 5th, 1883.)

Samuel Snowden and William H. Armstrong, administrators of Margaret Woelper vs The Border State Perpetual Building Association of Baltimore City, and Kate Kerns.	In the Superior Court of Baltimore City

Statement of Facts.

The following facts are admitted in this cause:

1. On 2nd October, 1863. Jonas Friedenwald and wife, subleased to Margaret Armstrong, wife of James Arm-

-strong, (Land Records of Baltimore City, Liber G.E.S., No 237, folio 470, &c,) the lot described in the declaration, subject to yearly sub-ground-rent of $60, and delivered possession over to said Margaret Armstrong.

2. On 15th June, 1864, (Liber A.W., No. 255, folio 25, &c,) Jonas Friedenwald and wife conveyed to said Margaret Armstrong, wife of James Armstrong, the sub-ground rent of $60. thereby extinguishing the $60 rent, subject to one rent, and no more.

3. James Armstrong died sometime in the year 1870.

4. On 5th July, 1871, said Margaret Armstrong married George E. Woelper, according to the laws of this State, and the ceremony was performed by Father John T. Gately, pastor of Saint Patrick's Catholic Church, a regularly ordained minister.

5. On the 31st July, 1876. (Liber G.R. No. 748, folio 492, &c,) said Margaret Woelper and George E. Woelper, her husband, executed a deed to Charles McColgan, for the consideration of $1,200. and on the 20th October, 1876, (Liber G.R. 755. folio 526.) Charles McColgan executed back to said Margaret Woelper a sub-lease for said property at the sub-rent of eighty-four dollars.

6. On the 20th October, 1876. and after said lease, Liber G.R. No. 755. folio 529, Margaret Woelper, executed a mortgage to the Border State Perpetual Building Association of Baltimore City.

7. Margaret Woelper died during Spring 1878, in the month of March, and letters of administration were granted to the plaintiffs on her estate, by the Orphans Court of Baltimore City, on November 6th, 1878.

8. 24th June, 1878- Decree passed in the case of Border State Perpetual Building Association of Baltimore City,