my said will, in the same manner as my said son, Thomas, and daughter, Sidney, had used and enjoyed in my life time the same; and I do hereby recommend and request my daughters mentioned, and devisees in my said will, to comply with this, my last request.

In witness whereof, I have hereto set my hand and seal, September 11th 1853.

Mary her + mark Turner (Seal)

Witness: — —

Baltimore City, Ss:

On the 23d day of January, 1854, came Samuel Weale, and made oath on the Holy Evangely of Almighty God, that the aforegoing instrument of writing, purporting to be a codicil to the last will and testament of Mary Turner, late of said city deceased, was written by the deponent in conformity with her wish and express directions, and that she executed the same in his presence.

Sworn to before the subscriber, Register of Wills of Baltimore city.

N. Heckman.

State of Maryland,

Baltimore City, Ss:

I, Robert T. Banks, Register of Wills, and by law Keeper of the seal and of the records, and of the original papers of the Orphans Court for Baltimore city, do hereby certify, that the foregoing is a true and full copy of the last will and testament, with codicil of Mary Turner, late of said city, deceased, with the proofs thereof, taken from Wills Liber A. H. No 26 folio 57. &c, one of the records kept in the office of Register of Wills

for Baltimore city.

In testimony whereof, I hereunto subscribe (Seal's Place.) my name and affix the seal of said Court and office, this 18th day of February in the year of our Lord eighteen hundred and eighty-five.

Robert T. Banks,

Register of Wills for Baltimore city.

The plaintiffs then offered evidence tending to prove, that on the 23d January, 1854, letters testamentary upon the said will were granted by the Orphans Court of Baltimore city, to the executrixes therein named. Whereupon the defendant's counsel asked the Court to rule out all of the plaintiffs said documentary evidence, unless the same was to be followed up by the production of the inventory of the personal estate of the said Mary Turner, including the lot in question, or an administration account distributing the same to the legatees, to whom the same was bequeathed in and by the same will; which the Court refused to do; and to which ruling the defendant excepts, and prays the Court to sign and seal this, his first bill of exceptions; which is accordingly done this 12th day of February, 1885.

Geo. Wm Brown. (Seal)

Second. The plaintiffs then produced as a witness Nancy Turner, who testified that she was the daughter of Mary Turner, deceased, and remembered when her mother leased the lot from Mr. Orrick; she was living at that time with her mother on Pennsylvania avenue, just in front of the lot in dispute, and was between eighteen and nineteen years of age; that her mother enclosed the lot with a fence when she first leased it, and used the lot from the time she leased it until her death, as a market garden,