and rejected the first second fifth and sixth of the above prayers of the defendant, and granted the third, and to which granting of the plaintiffs' prayers and the rejection of the defendant's prayers and each of them, the defendant excepts, and prays the Court to sign and seal this, his fourth bill of exceptions; which is accordingly done this 12th day of February, 1885.

Geo. Wm Brown (Seal)

Fifth. The case being submitted to the jury in accordance with the instructions of the Court, as prayed in the plaintiffs' prayer, contained in the fourth bill of exceptions, the following verdict was rendered.

24th December, 1884.- Verdict in favor of plaintiffs for three equal undivided fourth parts of all the land sought to be recovered in this action, and described in the declaration, except that thereof as to which the defendant has disclaimed having any interest therein, as shown by his disclaimer or amended plea, filed in this case on the 19th day of November, 1884, and $168.75 damages, for the dispossession thereof.

Whereupon the defendant filed the following motion:

The defendant moves the Court to arrest the judgment for error apparent on the record in this, that while the plaintiffs declare as for an entire interest and title to the land sought to be recovered, the jury has rendered a verdict for the plaintiffs for an undivided three-fourths part of said land.

Wm Daniel
Atty. for Deftt.

Which motion the Court overruled, and rendered judgment for the plaintiffs in the terms of said verdict; to which ruling of the Court the defendant excepts, and prays the Court to sign and seal this, his fifth bill of exceptions;



which is accordingly done this 12th day of February, 1885.

Geo. Wm Brown, (Seal)

Agreed to.

W. Sommehill,
Of Counsel for Appellees.
Wm Daniel,
For Appellant.

Thereupon, it is ordered by the Court here, that a transcript be made and sent to the Court of Appeals of Maryland, in accordance with the rules of said Court; which is accordingly transmitted.

Appellant's costs . . . $49 45
Appellees' " . . . 12 70

State of Maryland,
City of Baltimore, Set:

I, James Bond, Clerk of the Superior Court of Baltimore city, do hereby certify, that the aforegoing is truly taken from the record and proceedings of the said Court in the therein entitled cause.

In testimony whereof, I hereunto set my (Seal's Place) hand and affix the seal of the Superior Court of Baltimore city aforesaid on this 19th day of Feb. eighteen hundred and eighty-five.

James Bond
Clerk.

And now come into the Court of Appeals here, as well the said Perry Matthews by Messrs. Wm Daniel & Porter Robey & R. D. Morrison his Attorney as the said Nancy Turner and M. J. Woodyard by Messrs A. W. Machen & W. Sommehill their Attorneys and thereupon, on motion of the said Nancy Turner & M. J. Woodyard by their Attorneys aforesaid