Holliday, late of Prince George's County, deceased, and recorded in Liber H. A. J., Jr., No. 1, folio, et seq., one of the Will Record Books of Prince George's County.

In testimony whereof, I hereunto subscribe my name and affix the seal of the Orphans Court of said county, this 25th day of March, 1890.

(Seal.)

J. Benson Perrie,
Register of Wills.

Which will was read to the jury without objection.

They thereupon offered testimony tending to show that the land set out in the first count of the plaintiff's amended declaration, was embraced within the lines of the land devised by the said last will and testament to the plaintiff, Bettie H. Wilkinson.

And offered further testimony tending to show that the plaintiff, Bettie H. Wilkinson, was entitled to an undivided one-half interest in the real estate described in the second county of the said amended declaration.

The defendants thereupon, to maintain the issue on their part, offered testimony tending to show that the said real estate, as set out in the first count of the said amended declaration, was not the land intended to be embraced within the lines of the devise to the defendant, Susan B. Wallis.

The defendants further offered evidence tending to show there had been no ouster by them of the plaintiffs of their undivided interest in the lands mentioned in the second count of plaintiff's declaration, but introduced in evidence the fact, that since the institution of this suit a proceeding had been instituted by the defendants in the

Circuit Court for Prince George's County, sitting as a Court of Equity, to divide the said real estate mentioned in the said second count, and rested their case.

Thereupon the plaintiffs offered the following prayer:

Under the pleadings in this cause it is not necessary for the plaintiffs to prove the defendants ejected them from the possession of their undivided interest in the wood land in dispute, the plea of not guilty, putting in issue only the title, the right of possession, and damages.

The Court, however, rejected the plaintiffs prayer and granted the following prayer:

Under the pleadings in this case, the plea of not guilty admits the possession of the plaintiffs to the land in issue, and their ejectment by the defendants, and puts in issue the title and right of possession to the premises, and the damages sustained by the plaintiffs.

From the granting of the prayer by the Court, the defendants by their attorney excepted, and prayed the Court to sign and seal this their second bill of exceptions, which is accordingly done this 23rd day of May, 1890.

John B. Briscoe, C. J., (Seal.)
John B. Brooke, A. J., (Seal.)
J. Parran Crane, A. J., (Seal.)

On the 14th day of April, 1890, the jury rendered their verdict in favor of the plaintiffs in the above entitled cause, for one cent damages, assessed by the jury; and on the same day judgment was entered in open Court upon the verdict of the jury for the plaintiffs for one cent damages, assessed by the jury and costs.