January Term 1888.

This cause standing ready for hearing, and being submitted upon a special case stated, under the 47th General Equity Rule, the said special case stated and all the proceedings were read and considered;

It is thereupon, this sixth day of January, 1888, by the Circuit Court of Baltimore city, adjudged, ordered and decreed, that by the true construction of the last will and testament of William Patterson, deceased, dated the twentieth day of August, in the year eighteen hundred and twenty-seven, and (more particularly of the tenth paragraph thereof, the children of Edward Patterson, son of the said testator, living at the time of the death of the said Edward, and Sidney Smith Turner only child of his deceased daughter, Sidney Turner, were, after the death of the said Edward Patterson, seized absolutely in fee simple of the said lots of ground situated on Whetstone point, in the City of Baltimore, and designated as Lot Number 39 and Lot Number 40; and that the Plaintiffs, Laura Patterson and Sidney Smith Swan, (formerly Sidney Smith Turner) in their own right, and the said Laura Patterson, as devisee in trust of and under the last will of Margaret Turner, deceased, are now seized in fee-simple of the said two lots of ground, and were entitled, upon the facts stated in the said special case, to devise the same in conformity with the agreement between the parties to the cause therein mentioned.

And it is further ordered and decreed, that the costs of these proceedings be paid by the defendant.

J. Upshur Dennis.

Mr. Clerk:— Enter an appeal from above decree.

John K. Cowen,
Solr. for Deft.

Jan. 6, '87.

Appeal bonds and affidavit waived.

A. W. Machen, Solr. for Plffs.

January Term 1888.

Which said appeal being by the Court here also granted, it is thereupon ordered by the Court here, that a transcript of the record and proceedings in the cause aforesaid, be transmitted to the Court of Appeals of Maryland; and the same is transmitted accordingly.

Test:— Alvin Robertson,
Clerk.

In testimony that the aforegoing is truly taken from the records and proceedings of the Circuit Court of Baltimore city, in the therein entitled cause;

I hereunto set my hand and affix the seal of
(Seal's Place.) the said Circuit Court of Baltimore city aforesaid, this 6th day of January, A. D. 1888.

Alvin Robertson
Clerk of the Circuit Court of Baltimore city.

And now come into the Court of Appeals here, as well the said Baltimore and Ohio Rail Road Company by John K. Cowen its Attorney as the said Laura Patterson et al by A. W. Machen their attorney and thereupon, on motion of the said Laura Patterson et al by A. W. Machen their Attorney aforesaid, it is ruled by the Court here, that the said Baltimore and Ohio Railroad Company assign the errors in the Record of Proceedings aforesaid, or in the giving the Decree aforesaid, so as aforesaid brought before the Court of Appeals here for correcting the errors supposed to be therein, or Decree by the Court of Appeals here, will be entered against it in default thereof; and the said Baltimore and Ohio Rail Road Company by its Attorney aforesaid, says that in the Record of Proceedings aforesaid, and also in the giving of Decree aforesaid, there is manifest error in this, to wit: that by the Record aforesaid, it appears that