the Desk but could not see her writ; that when he made his observation the bed was not removed from the wall. It was further proved by the testimony of Samuel Johnson Esq.r that he drew the will of Mrs Lux from Minutes delivered to him by Mr Russell and agreeable thereto; that Mr Russell urged him at the time to use expedition lest Mrs Lux should not be able or be in a situation to Execute it and seemed anxious to have the will ready Executed with the least possible delay and that the said will was delivered to the said William Russell who was at the time and had been for some years before one of the Justices of the orphans Court of Baltimore County, It was also given in Evidence by the subscribing Witnesses to the said will that they formed their opinion of Mrs Lux being unable without assistance to leave her bed from the General Idea of her situation and apparent weakness and not from any Exertions they had seen her make for that purpose and failing therein the Court also Certify the Evidence of Mrs Mary Robinson as Contained in her deposition taken on a commission sent to Philadelphia. Whereupon the Court at the Instance of the Defendants Counsel gave the following opinion and direction to the Jury Viz.t All the necessary form to the due Execution of this will are agreed to have been complied with except that of the witnesses subscribing as such in the presence of the testatrix Evidence has been given touching the Situation of the Witnesses and the testatrix at the time of the Witnesses subscribing If from the Evidence you are of opinion that the situation of the Witnesses and the testatrix at the time of the Attestation was such that the testatrix might have seen, the Witnesses Subscribe as such, the Execution of the will was proper and legal, altho. the testatrix did not Actually see the Witnesses Subscribe their names otherwise not. And the Plaintiffs Counsel after the Court had delivered the opinion aforesaid contending that the Situation of the Witnesses and testatrix therein mentioned meant the same as if by a change of her position she might from the Room she was in see the Witnesses Subscribe as such. The Court explained their direction to the Jury and informed them, That it was necessary the testatrix at the time of attesting the said will by the witnesses might without a changing her position have seen them sign the same, Whereupon the said Jury after retiring to Consider of their Verdict returned the same to the Court in the

the words following viz. We the Jurors are of and opinion from the Evidence that the testatrix Mrs Lux might have seen the Witnesses sign her will from the room wherein she lay provided she would have made such an Exertion. And therefore Agreeable to the direction of your Honors find a Verdict for the Plaintiff. We further certify that by our Direction to the Jury in Explanation of our first direction we intended to convey and impress the Jury by the words "without changing her position" that it was necessary the Testatrix at the time of attesting the said will by the witnesses might without getting out of the bed, wherein she then lay have seen them sign the same.

Test John Givinn Clerk.

Thomas Lists Lessee against John Selman	Ejectment. Struck off without Cost by Consent. Test John Givinn Clerk.

Jonathan Hagar's Lessee against Daniel Hughes

Be it remembered that heretofore to wit on the tenth day of December in the year of our Lord one thousand seven hundred and Eighty nine, Simon Justice lessee of Jonathan Hagar by Baker Johnson his attorney prosecuted and forth out of the General Court here the writ of the State of Maryland of Certiorari directed to the Justices of Washington County Court in the words and of the tenor following, to wit.

The State of Maryland, &c. To the justices of Washington County Court Greeting. Whereas lately in our said Court Daniel Hughes late of Washington County, was attached to answer unto Jonathan Hagens Lessee of a plea of trespass and ejectment which said plea is still depending before you, our said justices, in our said County Court, as it is said, undetermined; and we being desirous, for certain reasons that the record and proceeding in the plea aforesaid should by You be certified to us do command you, that you send, under your seals, the record of the proceedings aforesaid in the plea aforesaid, with all things touching the same, unto our general Court, to be held at the City of Annapolis the second Tuesday of May next, plainly and distinctly and in as full and ample manner, as it now remains before you together