

Laying aside such of the allegations of the parties as are neither admitted nor sustained by proof, with the irrelevant testimony, and the case is this:—Amos Ogden, owing to some unhappy circumstances, had separated, and lived apart from his wife, during a period of about thirty years before his death, he had no children; and his wife survived him. At the time of his death he had a considerable estate; consisting of lands lying in Baltimore County, lands in the Big-bend of Green River in Kentucky, and some personal property. About ten years before his death, his niece Nancy Ogden, then about seventeen years of age, was brought to live with him. He maintained and educated her; and she managed his household affairs; in which situation he became so attached to her as to consider her as his adopted child.

Sometime in the early part of the year 1817, John W. Ogden, a nephew of Amos', and a cousin of Nancy's, visited and addressed her; a mutual attachment was formed, and they became engaged to be married at a convenient time thereafter. On the \* first of May, 1817, Amos Ogden bound himself, by a bond, to distribute most of his personal property among Amos **285** Ogden of Stephen, Nancy Ogden, and Sarah Burket. Under these circumstances, on the 22d of May, 1817, he wrote a letter to his brother Benjamin Ogden, the father of John W. Ogden, of which the following extract is all that is material to this case:—

“DEAR BROTHER—

“With joy, on the 17th of April last, I received your favor by your son Capt. John W. Ogden, together with my land papers on Phillips, and have to regret, that I have been compelled in giving you so much trouble in the arrangement of my business. But mean to compensate, if giving the largest part of that land will compensate, to your children. I shall deed to your daughter Mary T. Harpenden, and your son Stephen T. Ogden, two hundred acres each, and the remainder to your son John W. Ogden, and his expected spouse Nancy Ogden of our dear brother Stephen, as joint tenants, and to the survivor in fee simple for ever. I have got to inform you, and my loving sister Nancy Ogden, your dear wife, that my dear adopted daughter Nancy Ogden of Stephen, and your son John W. Ogden, is expected to be married some time between this and next spring, as will best suit his return to Maryland, I can tell you, my dear brother, (though my heart bleeds at the idea of her leaving me forlorn of any child to comfort me in my advanced age of life,) I rejoice to think, that she is agoing to be connected to so worthy a man as your son; and I have no doubt but that the Lord will bless them in their affections. She has lived with me nearly ten years, and has conducted herself in such an amiable manner, that both at home and abroad she is beloved. As to the things of this world, I shall bestow on her, at her part-