on the plats, and also offered in evidence by Captain Joseph Hook, a competent witness that he first knew the land in controversy in seventeen hundred and eighty five that at that time Mrs Dewsbury owned the lot marked T on the plot, and inclosed by the four red dotted lines forming a square round T, and designated by red figures 4. 5. 6 and 7 at the corners of the square that she claimed and held said lot at that time under an agreement with William Lux the patentee of the seventh, in his life time, that in the year of seventeen hundred and eighty six, the said lot was inclosed by a fence which was shewn by the witness to the Surveyor, on the Survey in this case, and which is denoted on the plats by the four red dotted lines aforesaid. The Defendants then offered to prove by the said Witness that a fence ran from Market street nearly along the eastern side of Pearl Street, and joined the aforesaid inclosure around T at the southwest corner of the said inclosure and that the said fence still stood there in 1801. To the admissibility of which evidence of the said Hook, so far as the same is intended to prove a fence from Market Street along the eastern side of Pearl Street, the plaintiff by their counsel objected, because the said witness was not examined on the Surveys in the cause, in relation to said fence, and did not show the same to the surveyor, and because Pearl Street as located on the plats were not shewn to the Surveyor by said Witness, nor was he examined on the Surveys in the cause in relation to said Street, and because said fence is not located on the plats in the cause, and the Court were of opinion that the evidence, so objected to, was inadmissible, and refused to suffer the same to be given to the Jury, and the same was accordingly rejected. to which opinion and refusal of the Court, the Defendants by their counsel, prayed leave to except, and that the Court here would sign and seal this bill of exceptions which is accordingly done, this tenth day of May eighteen hundred and twenty six.

Ch. W. Hanson (Seal)

Lessee of Bowly's heirs
vs.
Heirs & devisees of Deady.

Deft's 25th Exception. In addition to the testimony contained in the previous exceptions, which is intended to be a part of this. The Defendants offered in evidence by David Winchester, a competent Witness, that in the years 1787 and 1788, a fence stood along Green Street, and along Saratoga Street and Fayette Street as the same is located on the plats in this cause and was shewn by him to the Sheriff and Surveyor on the Survey in this cause. That the said fence was at that time an old fence, and appeared to have stood there for some years. That a fence also ran along Pearl Street, which completed the inclosure of which he speaks, and formed the Western side thereof, but which said western fence the Surveyor has not located precisely as the witness pointed it out on the ground and believed it to have stood. And the Defendants also offered to prove by competent witnesses here present in Court, that the Defendants and those under whom they claim have continually held the land for which they have taken defence in this cause, for more than 20 years before the institution of this suit by actual inclosures by fences, but which said fences, forming said inclosures are not all located on the plats. To the admissibility of which evidence as offered to be given by the said David Winchester, so far as the same related to the said Western line offered as shewn by him, and to all the evidence of inclosures by fences as above

offered, when the said fences are not actually located. The Plaintiff by their counsel objected, and the Court were of opinion that the said evidence so objected to was inadmissible, and refused to let the same be given to the Jury. The Defendants thereupon prayed the Court that a Juror might be withdrawn, and leave given to the Defendants to amend the plats in this cause, by locating on the same the fences by which they and those under whom they claim have held and possessed the land for which they have taken defence for twenty years before the institution of this suit, and of which they offered to give evidence as above stated, and at the same time offered to submit to such terms as to the continuance of the cause, and the payment of costs as the Court might deem just. And the Plaintiffs then gave in in evidence by the Docket entries in this cause, the day on which they Jury were sworn in this cause, and the two first exceptions taken by the Defendants when the cause was called for trial at this term, and prior to the swearing of the Jury, and also all the other preceding exceptions taken by both Plaintiff and Defendants, which said exceptions are to be considered as part of this: And the Plaintiffs also gave in evidence the instructions given to the Surveyor, relating to the locations of the Defendants, by J. Ferrance and John Glenn Esqrs. stated in the preceding exceptions, and which are to be considered as forming part of this exception: and the Plaintiffs also gave in evidence the plats and locations in the cause, and all the Docket entries in the said cause, which are as follows.

J. M.	Henry Thompson & Ann J.	Ejectment nar. pd. leave defence on warrant. non cul
W. D.	his wife, William L. Bowly.	issue, to warrant issued. June 1805 leave to complete survey
N. B.	Sarah S. Weigman. Rebecca	under old warrant. October 1806 continued with leave
J. M.	M. Weigman. Samuel H.	to add and amend. March 1807 continued to await the
W. H. W.	Bowly. Frances Bowly and	decision of the Court of Appeals in case of Bowly's Lessee
R. D.	William Hollins & Eliza	against Lammott. October 1807 Plaintiff's death suggested,
Wirt.	his wife, heirs & devisees of Daniel	and continued. March 1808 continued. October 1808
	Bowly. decd.	continued. March 1809 continued. October 1809
	ag.t	continued. March 1810 continued. October 1810 continued
J. P.	Gunning Bedford. Maria	March 1811 continued. October 1811 continued. March 1812
R. G. H.	Mitchell. Eliza Mitchell.	continued. October 1812 continued. March 1813 continued.
J. P. H.	Henrietta Bedford, alias	September 1813 continued. March 1814 continued,
J. G.	Mitchell. and Richard Bennett	September 1814 continued. March 1815 continued,
C. M.	Mitchell, heirs and devisees	September 1815 continued. March 1816 continued, not
Taney.	of Daniel Deady. deceased.	to await the decision of any case, September 1816. defence
		on warrant and continued. Warrant issued and

delivered Sheriff. March 1817 continued with leave to complete Survey under old warrant 6th Sept. 5 plats and explanations filed. September 1817 continued with leave. 5 plats & explanations delivered J. M. 3d March 1818. 5 plats and explanations filed March 1818 continued with leave to add and amend by consent. 11th Sept. 1818 4 plats and explanations filed. Sept. 1818 continued with leave. Christopher Johnson's death suggested. March 1819 continued. September 1819 continued with leave. March 1820 continued. September 1820 continued. March 1821 continued. September 1821 continued. March 1822 continued. September 1822 continued