the execution of which were admitted, which were read to the Jury. The Defendant further offered to prove by Robert Ford a competent witness the following facts viz" That he wrote "the deed from Dr John Baltzell and wife to Abner Campbell bearing date the 22nd "day of September 1852, In drawing said deed I had reference to and was governed by "the original deed for the western half of lot No. 55 from Jacob Baltzell to said Dr. "John Baltzell, in which deed the call was for three hundred and ninety three feet from Pat-"rick Street to Church Street. In writing said deed to Campbell I either had inserted "or was about to insert one hundred and ninety six and a half feet, one half of said call, "when Dr. Baltzell instructed me not to do so, but to make it ten feet less. The reason "assigned by him, for deducting ten feet, according to the best of my memory "& belief, was that the part of the lot which he owned on the alley, on which "part he had built a stable, extended more than half way down from "Church Street to Patrick Street, and that he wished the part of the half "lot, which he was about reserving, to extend down to a point co-terminous "with the Southern end of the stable built on the other part of said lot" to the admissibility of said evidence the Plaintiff by his counsel objected and the Court sustained the objection and refused to let said evidence go to the Jury, to which ruling of the Court the Defendant begs leave to except and that the Court will sign and seal this, his third Bill of Exceptions which is accordingly done this 24th day of February, 1858.

M. Nelson {Seal}

Abner Campbell vs. A. B. Hanson — Ejectment — In the Circuit Court for Frederick County — February Term 1858.

After the Plaintiff and defendant had closed the case on both sides. The Plaintiff upon all the evidence and facts contained in the first, second and third Bills of Exceptions in this case which are to be considered as a part of this Bill of Exceptions, prayed the Court to instruct the Jury "upon all the pleadings & evidence in the cause that the plaintiff is entitled to recover, if upon all the evidence the Jury shall believe that the beginning called for in the deed from John Baltzell & wife to the Plaintiff offered in evidence is at the division line between Lots No 55 & 56 as shewn on the plat of Fredericktown and at the point where said division line intersects or comes down to the Marginal line of Patrick at the distance of 31 feet 6 inches from the centre of said Street" to which instructions to the Jury the defendant objected, but the Court overruled the objections and granted the said prayer and instructed the Jury accordingly to which opinion and ruling of the Court the Defendant begs leave to except, and that the Court will sign and seal this his fourth Bill of Exceptions which is accordingly done this 25th day of February 1858.

M. Nelson {Seal}

Abner Campbell vs. A. B. Hanson — Ejectment — In the Circuit Court for Frederick County — February Term 1858

After the plaintiff & defendant had closed on both sides the Defendant upon all the evidence & facts contained in the first, second, third & fourth Bills of Exceptions in this case which are to be considered as a part of this bill of exceptions — prayed the Court to instruct the Jury"

1st The Defendant by his Counsel prays the Court to instruct the Jury that upon the pleadings, plats, certificates, explanations and all the evidence in the cause the plaintiff is not entitled to recover, because he has offered no evidence to prove the true beginning called for in his deed from Doct John Baltzell dated on the 22nd day of September 1852.

2nd The defendant by his counsel prays the Court to instruct the Jury that upon the pleadings, plats, certificates Explanations and all the evidence in the cause the plaintiff is not entitled to recover, "Because in the absence of any call in the said deed to any definite fixed point the presumption of law is that the true beginning of his deed from Dr. John Baltzell dated on the 22nd day of September 1852 is in the middle of Patrick street and that he has offered no evidence to prove the beginning of the said deed"

3d The defendant by his Counsel prays the Court to instruct the Jury that the locations by the Plaintiff of the deed from John Baltzell and wife to the Plaintiff, dated on the 22nd September 1852 are not either of them warranted by, or agreeable to the true and legal construction, true intent and meaning of said deed to Plaintiff, and the Plaintiff is not entitled to recover his claims and pretensions or any part thereof against the defendant as located on the Plats, he not having proved to the Jury by any legal and sufficient evidence the beginning of the lot conveyed by said deed to Plaintiff.

4th The defendant Prays the Court to instruct the Jury that the margin or edge of Patrick Street is not the true beginning of the lot of ground intended to be conveyed by the said John Baltzell and wife to the Plaintiff by the deed of the 22d September 1852 and that the jury can not so find unless they shall believe from all the evidence that it was the true intent and meaning of the said deed and the parties thereto at the time of the execution of said deed" that the edge or margin of Patrick street was to be considered the beginning of the said lot described in said deed. to which instructions to the Jury, the plaintiff by his counsel objected which said objection of the plaintiff was sustained by the Court and the Court refused to grant the said prayers & instructions to the Jury. To which said ruling & opinion of the Court the defendant by his counsel begs leave to except & that the Court would sign and seal this his fifth Bill of Exceptions which is accordingly done on this 25th day of February 1858.

M. Nelson {Seal}

Abner Campbell Lessee vs. Alexander B. Hanson Tenant in Possession — In Circuit Court for Frederick County No 96 Upon the Trial docket for the February Term 1858

It is agreed by the Counsel of the plaintiff and defendant in this cause that the Clerk in making out the record shall leave out the Plat of the whole Town of Frederick which was offered in evidence upon the trial of the cause and shall insert alone the plat of the square in which the premises in dispute are located & second & Patrick Streets & the alley as located upon the plats by plaintiff & defendant & returned by the Sheriff & Surveyor as containing the true location of the square, streets, alley & points located by the respective parties and evidence