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Conveyed to John Moale the 210 acres described in the deed given in evidence, and that the same was a part of Upton Court not embraced in this controversy that then the Extracts from the debt Books given in evidence in this cause as to the payment of rent to the Lord Proprietors on Upton Court are to be referred to the possession of said Moale of said part of Upton Court, unless the Jury shall find said Moale possessed or held some other 200 acres of said Upton Court and of which there is no evidence,

4th That if the Jury shall find from the evidence the lines described on the Plat as No 4471 to 4496 inclusive and that the same were located thereon by Defts instructions and that the same are located and not within the lines of the land described in the deed from Jacob Giles to John Moale given in evidence then the same are not evidence in the cause for any purpose unless the Jury find that possession was taken by the Lessees thereunder, or persons claiming under them and of which there is no evidence,

5th That if the Jury shall find as stated in the foregoing prayer and shall find such possession then the same is not to avail as against said Plaintiffs, if the Jury shall find title in Plffs unless they find such possession to have been adversary and continuous for a period of 20 years or upwards and of which also there is no evidence.

6th that the plat from the ejectment case between Moale and Howard, and the proceedings in the Chancery case of Harris vs Moale and the private plats offered in evidence by the defendant are not evidence as against the plaintiffs in this action either of title in the defendant or of any such adversary possession by him or those under whom he claims as to be availed of as a defence to an action founded after title.

7th The Plaintiffs prays the Court to instruct the Jury that there is no evidence in this cause of continuous adversary use possession occupation or enclosure by defendant or any claiming under him of the Lands described in the declaration in this cause

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8th The plaintiffs pray the Court to instruct the Jury that the alleged parol licence of said defendant to Jand L Reed to pass over the lands described in the declaration or any portion of them for hauling is not evidence of such adversary user possession or occupation.

9th If the Jury find the Patent of Upton Court the Will of John Giles (the elder and the deed from John Giles (the younger) to Jacob Giles which have been severally offered in evidence by the plaintiff and that they were made at the time of the respective dates thereof and that the said Jacob Giles was a son of the said John Giles the elder and brother of the said John Giles the Younger, and after the death of the said father and the making of the said deed was seized of the land (the same being part of Upton Court which by said Will was mentioned to be devised and in said deed to be conveyed to him and that the parcel of land described in the declaration is part of said land so devised and conveyed and is correctly located on the plats according to the pretensions of the plaintiff and shall further find that the said John Giles the younger died in the lifetime of the said Jacob Giles having executed his last Will which has been offered in evidence by the defendant and leaving his only issue him surviving his said two daughters in his said will mentioned, and shall further find that the said Jacob Giles afterwards and many years before the commencement of this suit died still seized of said parcel of land in the declaration described and without issue and intestate and that the said Jacob had a sister named Ann or Ann Maria daughter of the said John Giles the elder who married a certain Oliver Cromwell and by him had lawful issue and if they shall further find that the said two daughters of the said John Giles the Younger and all the brothers and sisters of the said Jacob Giles (if there brothers and sisters the Jury shall find that he ~~[illegible]~~ had) and all the issue of such brothers and sisters, and if any of them the