and ever since the deed to Sumwalt herein-
mentioned has been occupied as the back yard
of, and appurtenant to said house or to said
frame house in lieu of which said brick house
was built, and as such enclosed with a good
and substantial board fence, which houses -
brick as well as frame, and said enclosed
yard have been from the date of the said
deed of Sumwalt to Cook in 1822 up to the
present time in the sole and exclusive possession
of the said Frederick Cook during his life time
and of his legal representatives since his
death until the said property was assigned
to the defendant in the partition of the estate
of said Cook, since which time it has been in
the sole and exclusive possession of Defendant
And that the said defendant Cook from the
acquisition by him of the title above mentioned
under deed dated — 1822 up to the time
of his death paid to the owner of the re-
version in said property the ground rent of
16.00 reserved therein under the original lease
thereof which ground rent has been since his
death paid by the legal representatives of
said Cook up to the partition of his estate,
when said lot of ground was assigned to the
defendant — Smith, since which time -
said defendant paid said ground rent until
the year — when the ground rent and
reversion was purchased by and conveyed to
the defendant — Smith by a good and -
sufficient deed duly acknowledged and recorded
by — who was the owner thereof and since
the date of said deed of the reversion viz;

no ground rent has been paid the said defen-
dant — Smith claiming to have been at
the date of said last mentioned deed seized
and possessed of the said term of 99 years
renewable forever created in said property un-
der the original lease thereof.

If on the foregoing statement of facts the
Court shall be of opinion that the lessor of
the plaintiff is entitle to recover, judgment -
shall be entered for the plaintiff if not for
the defendant.

The right to appeal to the Court
of Appeals is hereby reserved to either party
It is admitted that the paper herewith filed
is a true inventory of the Estate of said
Hannibal Conner as it existed at his death,
and that the lot therein mentioned and -
appraised at $90. is the lot of ground
in controversy in this case; and that no
other of the property mentioned in said in-
ventory was in existence at the date of the
granting of the letters D.B.N. to the plaintiff
in this case.

Spotswood Garland
John Scott Jr
Attys for pltff.
Bernard Carter
for deft.