made by the State or any person on behalf of the State of Maryland on any part of any of the lands herein before described except the surveyor who on the 30th of March 1796. entered on the same to make the survey on which the Lessor of the Plaintiff afterwards obtained a Patent including the said lands for recovery of which the present suit is instituted.

The plaintiff prayed the opinion of the Court and their direction to the Jury That they being satisfied as to the true location of Hollands Park the same being land escheated to the proprietor and by the act of Confiscation vested in the State no adversary possession on the part of the defendant can avail against the State so long as the title thereof remained in the State.

The Court are of opinion and so direct the Jury that in this Case the act of Assembly which passed in October 1780. c49. vested the actual sesin and possession of the said Lands in the Commissioners appointed to preserve confiscated british property as fully and Amply as if the said Commissioners as the agent or Trustees of the State had made a formal Entry on the same; That the Commissioners were in possession of the said Land in virtue and by operation of the said act from the time of passing the same and although the defendant or those under whom he Claims continued in the actual possession of the said Land it was the possession of the Commissioners on behalf of the State for where two persons are in possession the one by right and the other by wrong; it is the possession of him who is in by right.

The Court are also of opinion that the possession of the defendant or those under whom he claims was divested by the said act of Assembly and that the act of Limitation ceased to have operation or to run from that time and that he has no right to the said land in virtue of the said possession, that the said Possession not being derived from the proprietory but taken and held in opposition to his title, the Defendant cannot have any equitable Interest in the said Land or claim to the same upon the State as standing in the place of the proprietary.

To which opinion of the Court the defendant by his Counsel prays leave to except and that the Court will sign and seal this his bill of Exceptions according to the form of the Statute and

and so forth, and which is accordingly done this fourth day of June eighteen hundred and two.

Jeremiah Townley Chase (seal)
G Duvall (seal)
John Done (seal)

James Gittings Junior Lessee
vs
Aquila Hall

Ejectment.

In the trial of this Case the Plaintiff to make title to the Land in the declaration mentioned produced and read to the Jury the Patent of the tract of Land called Friendship Compleated granted the fourteenth day of March seventeen hundred and ninety eight to the lessor of the Plaintiff in the following words to wit:

James Gittings, son of James his patent 39pt and 20pt. Friendship Compleated

The State of Maryland &c.

Know ye that whereas, James Gittings son of James of Baltimore Town on the twenty ninth day of April seventeen hundred and ninety five obtained out of the western Shore land office a special warrant of escheat of resurvey and affect a tract or parcel of land called Hollands Park lying and being in Baltimore County originally granted unto a certain George Holland for one hundred and fifty acres who died seized thereof intestate and without heirs. In Pursuance whereof it was certified into the land office that only part of the said tract was liable to escheat, which being resurveyed was found to Contain thirty two acres three quarters of an acre and twenty three perches to which there was added six acres one quarter of an acre and thirty seven perches of vacant land. And he having pursuant to law paid to the treasurer of the Western shore the sum of seventy two pounds ten shillings and eight pence Current money being the full composition due for the said escheat land and vacancy as also twelve pounds ten shillings and ten pence for some improvements thereon.

The State of Maryland Doth therefore hereby grant and confirm unto him the said James Gittings son of James, the said part of a tract or parcel of escheat land resurveyed as aforesaid with the vacancy added and called Friendship Compleated lying in Baltimore County aforesaid Beginning at the end of the north three hundred and ten perches line of a tract of Land called Hills Forrest as run with six degrees allowance for variation north eighty four degrees east one hundred