June the 22d. 1685. Came before me William Lathrup and Anne Tovey alias Joice the said Lathrupe took his Corporall oath that the within was signed sealed and delivered as the act and deed of the said George Holland, Ann Tovey alias Joice tooke her Corporall oath that she did believe that the within Signed was her marke the said Diana Mortuesest Jurát Coramme.

James Kingold.

In Testimony that the within and foregoing is a true Copy taken from one of the records Books in the late Prerogative office I have hereto set my hand and affixed the seal of my office this 9th Day of June in the year of our Lord 1802.

(seal)

Jno. Gafsaway; Reg. Wills A. A. Coty.

And offered Evidence to the Jury to prove that the said John Larkin died and left Issue two Children, Thomas Larkin his heir at Law and Hester Larkin; that the said Thomas Larkin afterwards died leaving issue an only Child a Daughter named Elizabeth which Elizabeth died without issue; and further offered Evidence to prove that Hester the sister of Thomas and Aunt to Elizabeth intermarried with a certain Nicholson by whom she had issue Susanna her only child and heir at Law; And that the said Susanna after the death of the said Hester intermarried with a certain Zachariah Maccubbin, by whom she had issue Nicholas Maccubbin her Eldest son and heir at law, and that the said Nicholas after his mothers death died leaving issue a son named Nicholas his Heir at Law now in full live in the City of Annapolis; And offered Evidence to prove that George Holland the Patentee John Larkin his Devisee and the before mentioned Thomas Larkin, Elizabeth Larkin, Hester Nicholson Susanna Maccubbin, Nicholas Maccubbin and Nicholas his son have severally at all times during their respective lives, lived and resided in Anne Arundel County in this State; That the tract of Land called Hollands Park was originally located in Baltimore County and that no person or persons ever built on, improved or cultivated the tract of land called Hollands Park or any part thereof before the defendant in this Cause in seventeen hundred and seventy five and the lessor of the Plaintiff in seventeen hundred and eighty five except part thereof which had been occupied by a certain James Gettings and that the residue of the said Land lay waste and unimproved: And further offered in Evidence to the Jury the original Debt books of Baltimore County and entries thereon of the Agents of the Proprietor

Proprietor of the then province of Maryland on one of which viz. in the year 1769 is an entry in these words to wit.

Gideon Linthicum Dr.

"To Hollands Park 150 Acres – 6 shillings"

And opposite thereto the following Entry.

"Cant find any such person or Land"

And an Entry on the Rent Roll in the land office made about the year 1772 in these words, to wit.

150 Hollands Park surv.d 14th October 1763 for George Holland above the head of Gunpowder river.

pofs. 150 – 0-6-0. Gideon Linthecomb.

"150 The bounds of this land being lost the land cannot be found, nor is there any such person in being, as Gedion Linthecomb.

Baltimore rent roll. Jno. Callahan.

And offered Evidence to prove that the tract of Land in the said Entries mentioned was the same Land that was surveyed for George Holland and patented to him by the Patent herein before referred to and filed in this Cause: and that it is the land located by the Defendant and Plaintiff in this Cause and that it is truly located by the Defendant on the plats in this Cause.

Whereupon the Defendant by his Counsel prayed the direction of the Court to the Jury, that if the Facts in the above Statement are true, that then the legal title to the Land called Hollands Park is in Nicholas Carroll the Heir at Law of Nicholas Maccubbin aforesaid that the said Land was not liable to Escheat and that the lessor of the Plaintiff is not entitled to recover the said Land in the declaration mentioned under his Escheat Grant in seventeen hundred and ninety eight.

The Court were of opinion and directed the Jury that if they found the Facts stated by the defendant to be true that the legal title to the land called Hollands Park is in Nicholas Carroll the heir at Law of Nicholas Maccubbin and that the said Land not being escheatable the lessor of the Plaintiff is not entitled to recover the said Land in his declaration of Ejectment mentioned under his Escheat Grant in seventeen hundred and ninety Eight.

In Ejectment the Plaintiff must recover on the strength of his own Title.

The Defendant may prevent his recovery by shewing a Title in himself or by shewing a clear subsisting Title in a Stranger.

Possession