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 Nicholas Nicholson by whom she had issue Susanna her only Chield 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 elder 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 life living 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 Gittings 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 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 14 October 1733 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 Gideon Linthecomb"

Baltimore rent roll N.o 1.

Jno. Callahan.

And

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 reffered 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 Court to direct the Jury that if they believe the facts to be true as stated by the defendant that then the presumption in Law is that George Holland was seized of the land called Hollands Park at the time of his will and death and the same passed to Larkin his Devisee, and no presumption from the facts stated can arise that the said Holland was not seised of the said land at the time of his will and death, and the Court did direct the Jury accordingly; to which opinion and direction of the Court the Plaintiff 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 &c. and which is accordingly done this Eleventh of June Eighteen hundred and two.

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

And the said Aquila Hall by his attornies aforesaid prays an appeal from the Judgment of the Court here so as aforesaid rendered to the high Court of Appeals of the State of Maryland, and it is granted him; whereupon the said Aquila Hall by his attornies aforesaid files in Court here a certain writing obligatory commonly called an Appeal bond and which is Contained in the following words, to wit.

Maryland ss. Know all men by these presents That we Aquila Hall, Edward Prigg and Benjamin Green Junior are held and firmly bound unto James Gittings Junior in the full and just sum of one thousand pounds Current money, be paid to the said James Gittings Junior his certain attorney Executors, Administrators or Assigns. To which Payment well and truly to be made and done we bind ourselves and each of us, our and each of our heirs executors and Administrators firmly by these presents, sealed with our seals and dated this twelfth day of June 1802. Whereas the said James Gittings has recovered Judgment against the said Aquila

Hall