certificate aforesaid; and further that the said Charles Cheney the ancestor and the defendants have planted orchards and held by actual inclosure and cultivation for more than twenty seven years next preceding the issuing the writ in this cause all that part of the tract of land called Cheneys delight which is contained within the lines shaded blue as located and described on the plats in this cause claiming the said enclosed land and the whole of said tract as their own proper estate and right and further that all the land as located within Cheneys delight exterior to the said Inclosures shaded blue has been claimed and used by the said Charles Cheney and those claiming under him as part of the land called Cheneys delight ever since the year 1762. by cutting wood and rails and other timber thereon for the use and purposes of their dwelling and farm on said land, and that no other person whatever has at any time used enjoyed or cut any of the wood or timber on said land except the said Charles Cheney and that no person has claimed the same or any part thereof except that a claim has been set up by the plaintiff and those under whom he claims; that the land called Cheneys delight is included within the lines of a tract of land called the Number of Two. The plaintiffs then showed in evidence to the Court and Jury that on the Certificate aforesaid for Cheneys delight under which the Defendants claim, no patent or grant ever issued and that the reason why a patent or grant was refused upon the said Certificate is indorsed upon the same in the words following

the patent to issue on this rent by order of his Excy being within the manor of Conogocheigue Test W Stewart clk

The plaintiffs then offered to the Court and Jury the patent for the tract of land called The Number of Two granted to John Morton Jordan

John Morton Jordan Esq. his patent 990 acres Number Two

Frederick to wit Know ye that for and in consideration that John Morton Jordan

Esquire of London Merchant hath due unto our thousand nine hundred and seventy acres of land within our said Province (being part of the reserve around Conogocheigue Manor) by virtue of our instructions bearing date at London the fifteen-day of July seventeen hundred and sixty eight as appears upon record in our Land office. We do therefore hereby grant unto him the said John Morton Jordan all that tract or parcel of land called known and distinguished by the Number Two lying in Frederick County within the reserve on Conogocheigue Manor Beginning at the beginning of a tract of land called "Widows Mite" it being the end of the fifth line of a tract or parcel of land called The reservey on Charlemont and running thence reversing the lines of said reservey south eight degrees east one hundred and twenty eight perches south sixty degrees west sixty four perches south fifty three degrees west sixty four perches south twenty four degrees west twenty seven perches to intersect the seventh line of a tract of land called Saint John and running with the lines of said tract south forty degrees east forty eight perches south forty one degrees west fifty five perches south thirty three degrees east twenty seven perches south three degrees east fifty two perches south sixty six degrees east twenty two perches to the end of the first line of Dry Fountain and reversing said line north eight degrees east forty eight perches to the beginning tree of Dry Fountain then reversing the lines of Dry Fountain the following courses to wit north fifty eight degrees east one hundred and eighty four perches (being the general line) then south thirty nine degrees east fifty two perches south twenty six degrees east forty six perches to the end of the fifth line of a tract of land called Chance granted unto John Hunt and running with the lines of Chance three courses to wit north forty seven degrees east forty four perches south sixty six degrees east sixty perches north seventy degrees east ninety perches to the end of the fourth line of a tract of land called Smithsburgh and reversing the lines of said tract north twenty seven