upon the South side of the North Branch of the said River, Beginning at a Bounded red oak Standing at the head of the North line of a parcel of land formerly taken for James Johnson of Baltimore County Gent. & running from thence parallel with the said land for the length of five hundred and twenty perches then running from the end of the west line North three hundred and ten perches then running from the end of the North line, West five hundred & twenty perches until it intersects the land called Clarkson Hope then running with the said land and a parcel of land called Jaffaway Ridge by a straight line to the first Bounded tree containing and now laid out for one thousand acres of land more or less, according to the Certificate of Survey thereof taken and returned into the Land office of the City of St. Marys bearing date the fourth day of October one thousand six hundred and eighty three and there remaining upon Record together with all rights profits benefits and priviledges thereunto belonging (royal mines excepted) to have and to hold the same unto him the said Richard Kee his heirs & assigns for ever to be holden of us and our heirs as of our Manor of Baltimore in free and common soccage by fealty only for all manner of Services yeilding and paying therefore yearly unto us and our heirs at our Receipt at our City of St. Marys at the two most usual feasts in the year viz. the feasts of the annunciation of the Blessed Virgin Mary & St. Micheal the arch angel by even and equal portions the rent of two pounds Sterling, in Silver or Gold, and for a fine upon every alienation of the said land or any part or parcel thereof the whole years Rent in Silver or Gold or the full value thereof in such Commodities as we and our heirs or such officer or officers as shall be appointed by us and our heirs from time to time to collect and receive the same shall accept in discharge thereof at the choice of us and our heirs or such officer or officers as aforesaid provided that if the said sum for a fine for alienation shall not be paid unto us and our heirs or such officer or officers as aforesaid, before such alienation & the said alienation entered upon Record either in the Provincial Court or in the County Court where the said parcel of land lieth within one month next after such alienation the said alienation shall be Void and of none effect given at our said City of St. Marys under the great

Seal of our said province of Maryland this tenth day of August in the ninth year of our Dominion &c Annoq Domini one thousand six hundred and eighty four, Witness our trusty and well beloved Colo. Henry Darnall & Colo. William Diggs Commissionaries Genl. of our said province of Maryland.

In Testimony that the foregoing is a true Copy from Liber S. D. No. 8 folio 443 one of the Records Belonging to the land office of the State of Maryland. I hereto set my hand and affix my official Seal.

Seal Land Office N.S.

Jno. Callahan Regr. of Wills.

And gave in evidence to the Jury that the whole of the land contained within the lines from 60 shaded Blue to Red 7. to red 8 to red 9 to 61 and with the fence shaded yellow to 60. was in the actual possession enclosure and cultivation of the defendant and those under whom he claims claiming the whole thereof as his and their property for the space of 15 years and that then a fence was made from red 7 to X and from X to 60 and the whole of the land included in fence from X to red 7 red 8 red 9 to 61 to 60 to X was continued for seven years as the fence of and the enclosure of the defendant claiming the same as his own before the bringing the Ejectment in this suit.

In this case the testimony was that the fence from 60 to 52 to 53, 54, 55, 56, 57, 58 59 and to 60 was made by the defendant and those under whom he claims before the year 1774. and continued to run thus till the year 1782 when the said fence was altered and run from 60 to red 7.8.9 black 61 to 60 that this last fence from red 7.8.9 to 61 was in the year 1782 put up by those under whom the plaintiff claim and those under whom the defendent claim jointly that in the latter part of the year 1782. or beginning of the year 1783. the plaintiff and those under whom he claims put up the fence running from Red 7 to X as a fence belonging to Bills forrest and the owners thereof, that immediately after in the year 1783. the defendant removed the fence from 60 to red 7. and run the same from 60 across to X and joined the same fence so made by the plaintiff from red 7 to X, and thereupon the defendant prayed the opinion of the Court and their instruction to the jury that if they were of opinion from the evidence in the cause, that the defendant and those under whom he claims have held by inclosure and cultivation for more than 20-