Years the land included within the said lines from 60 to red 7 red 8 red 9 to 61 to 60 Claiming the same as his own that he has title to the same by adversary posession altho before the expiration of the said twenty years the fence and enclosure was removed from red 7 to X to 60 and thereby enlarged the inclosure but the Court refused to give the direction prayed, being of opinion that if the jury should find that the plaintiff lessor under the direction of the Court already given hath made title to all the tract of land called Hills Forest except the two hundred acres devised to Nathaniel Richardson as stated in a former exception, and should also find that the land to which the defendant claims title by adversary posession, in manner herein stated, is included within the true location of Hills Forest, that in such case the defendant has no title to the said land by adversary Posession — to which opinion of the Court the defendant accepts and prays the Court to sign Seal this his Bill of exceptions according to the Statute &c. and which is accordingly done this 12th of June 1805.

Jeremiah Townley Chase (Seal)
John Done (Seal)
R Sprigg (Seal)

James Gittings Lessee
vs
Aquila Hall

the Plaintiff to support the issue on his part and to make title to the lands claimed by him in this action, produced at the trial and read in evidence to the jury the Certificate and patent of a tract of land called Hills Forest in the declaration in this case mentioned which Certificate and patent are inserted in a proceeding Bill of exceptions in this case and shewed title in the Lessor of the Plaintiff to the said tract of land under the patentee in the said patent named to prove that the said tract of land is truly located by him as his claim and pretensions in the plots in this cause returned and filed gave in evidence the said plots and the Certificate of a tract of land called Thompsons Choice which here follows in these words and figures, —

March ye 12th 1679 James Thompson Gent. 1000 acres Thompsons Choice Rent 2 lb Sterling. ----------

By virtue of a warrant granted unto James Thompson of Calvert County Gent. for five hundred and fifty acres of land bearing date the 14th of January last and by vertue of a warrant granted unto the said Thompson for two hundred and fifty acres of land bearing date the 24th day of January last, these are therefore in humble manner to certify that I George Holland deputy Surveyor under Vincent Lowe Esqr Surv. Genl have laid out for the said Thompson a parcel of land called Thompsons Choice lying in Baltimore County on the Ridge of Gunpowder River beginning at a Bounded oake being the Westmost Bounds of a tract of land late laid out for Major Sewell and running west five hundred perches to a bounded oak Standing by the Great Falls and running North from the said oak three hundred and twenty perches then East five hundred perches then with a straight line to the first Bounded Tree Containing and now laid out for one thousand acres of land more or less found as of the Manner of Baltimore. —

Pr me George Holland Dty. Sur.

In Testimony that the aforegoing is a true copy from Liber N°20 (folio 358) one of the Records belonging to the Land office of Maryland. I have hereto set my hand and affixed my official seal.

(Seal of the L. Office W. S.)

John Hall Reg. L. Off. W.S.

And gave Evidence to prove that the said tract of land called Thompsons Choice is truly located by him on the said plats upon the trial of this Cause the plaintiff offered Evidence to the jury to prove the true location of Thompsons Choice to be from the letter T as on the Plats in this Cause returned designated and from thence to R to S. to I to T the defendant offered evidence to the jury to prove that the true location of the said land was from J. as designated on the said plats from thence to red 10 to red 11 to red 12. to J. there was no evidence given that Thompsons Choice was ever run held or claimed by any person interested in the said land as running from its beginning to Gunpowder River excepts so far as relates to the field shaded Yellow at the figures red 10. as designated on the plats returned in this case which field was laid down and proved by the plaintiff as an ancient posession under the title of Thompsons Choice. —

Whereupon the defendant by his Counsel prayed the opinion of the Court and their direction to the Jury that in as much as no —