

No. 8361 Equity.

Whitehill and others to your orator by deed dated April 1, 1882, and recorded in Liber N.F. No. 5, folio 136, one of the Land Records of said County: the quantity of land conveyed by said deed being 81 3/4 acres of land more or less, and the whole of said farm, including the said adjacent lot of 1 acre, 2 rods and 3 square perches, conveyed by the deed mentioned in said "Exhibit No. 1. Contains 83 Acres, 1 rod and 3 square perches of land more or less."

3. That the said parcel of land mentioned in "Exhibit No. 1. was conveyed to your orator in exchange for a parcel of land conveyed by him to the said William A. Sappington by deed dated May 30, 1887, and recorded among the Land Records of Frederick County, and the lines of the lands intended to be conveyed to your orator by the said deed to him from the said William A. Sappington and wife were located and established by the parties by agreement on the ground, and the said deed was executed for the purpose of consummating said agreement and locations, as to the lands intended thereby to be conveyed to your orator, and therefore your orator caused a fence to be constructed along the northern line of said parcel of land in exact accordance with the location thereof as agreed upon by your orator and the William A. Sappington when the said parcel of land was surveyed with a view to the said exchange, and your orator has ever since maintained a fence upon said line and location and has occupied, used and cultivated the land to the south of said line of fence as a portion of his said farm; and the lands to the north of said fence were and are the property of the defendant William A. Sappington and the said fence was established and has been maintained as aforesaid, as a division fence between the lands of your orator and the said defendant, and your orator's said maintenance of said fence upon and along the said northern line of said parcel of land, and his occupation, use and cultivation of the land to the south of said fence, had been adverse, continuous, notorious and exclusive for more than twenty years prior to the commission of the wrongs by the defendant, hereinafter mentioned.

4. That the defendants well knowing your orator's ownership of the said parcel of land as aforesaid, and of his maintenance of the said line of fence and of his use and enjoyment of the said land to the south thereof for the period and in the manner heretofore stated, on or about the 16th day of October, instant, wrongfully and unlawfully

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