

cause, is the true location ; and that forasmuch as the said location includes the whole of Joseph Chapline's tract, called True Friendship, the caveat of the said Smith against the certificate of True Friendship ought to be allowed.

The chancellor is further of opinion, that as the said location includes nearly the whole of Joseph Chapline's tract called Good Neighbour, the caveat of the said Smith against the certificate of Good Neighbour ought to be allowed ; and that the said Chapline if he thinks proper, may have an order for correcting the said certificate, by excluding all that part of the land which lies, agreeably to the said location, within the tract called True Establishment.

The chancellor is also, of opinion that the said Chapline's caveat against the said Smith's tract of land, called Eye-trap, ought to be allowed ; and that the said Smith, if he thinks proper, may have an order for correcting the certificate of Eye-trap, so that the lines thereof shall correspond with the lines of True Establishment, agreeably to the aforesaid location.

*June 3, 1794.*

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THOMAS BEALL } *Caveat in the Land-office,*  
 vs. } *October 16th, 1794.*  
 DAVID LYNN. }

Dickeson Simkins, under whom the caveator claims, in virtue of a warrant, granted in the year 1786, returned a certificate of resurvey, in which was included vacant land, and on the said certificate a patent hath been issued.

David Lynn, in virtue of a special warrant dated January 14, 1791, returned a certificate of survey, in which is included the land aforesaid, patented to Dickeson Simkins ; and the said certificate is caveated by Thomas Beall, the assignee of the said Simkins, as aforesaid.

The land in dispute lies on the eastern side of Will's creek ; but it lies westward of a right line drawn due north from the most western corner of Fort Cumberland.

The said fort is situated on a point of land, formed by the junction of the river Potomac and the said Will's creek, the course of which, for about  $1\frac{1}{2}$  miles from the fort, is about north north west or north west by north, and then about north north east or north east by north, until it reaches the Pennsylvania line, which is about three or four miles distant from the fort,—so that one, two, or three thousands of acres lie between the north line aforesaid and Will's creek, and the land in dispute as aforesaid is part of them.—