

permitted to say he was defrauded. In point of fact he does not allege fraud in his bill, but insists that according to the true construction of this contract his purchase embraced the piece of land in question. The language of the bill is, that "the said Hatton has always refused and prohibited your orator from possessing, using or occupying a part of said land, much the most fertile and valuable, contained between the last given line and Piney Branch mentioned in said contract, but which he has used and possessed himself."

It is, therefore, simply a question of construction and location, and that of course depends upon the terms of the bond of conveyance. These terms are,

"That if the above bound Peter D. Hatton, his heirs or assigns, shall well and truly make to the said Richard L. Smallwood, his heirs or assigns, a good and sufficient *warranty* deed, to a certain tract or parcel of land lying in Charles county, and called by the name of Friendship, beginning from Piney Branch, where the road crosses to George Boswell's mill, thence with said road to the first branch of Mattawoman Swamp, thence up said branch to a ditch leading from the outer line of Friendship to Mattawoman, thence up the said ditch to the line of Friendship, thence with the said line to Piney Branch, thence down said branch to the beginning, containing one hundred acres of land, be the same more or less." And the sole question upon this part of the case is whether this last line described as running "thence down said branch to the beginning," shall pursue the meanderings of the branch or shall be a straight line to the beginning on Piney Branch.

A question, not unlike the present, came up in the Court of Appeals, in the case of *Thomas' Lessee vs. Godfrey et al*, 3 *Gill & Johns.*, 142. There the third line of the patent had a call to the main falls of the Patapsco, and from that point the description was "with the main falls by a *direct line* to the first bound tree." And the question was whether this last line should be run with the meanders of the stream or directly from the termination of the third line on the falls to the beginning tree. Upon this question the judgment of the court was, that the ex-