

Sandifer v. Foster

2 N.C. 237 (N.C. Super. 1795)

Decided Oct 1, 1795

October Term, 1795

The last line of a boundary was from a white oak (which stood half a mile from the river), thence along the river to the beginning: *Held*, that the river is the boundary.

EJECTMENT. The land in controversy was patented in 1706, by one Gee, and a transfer of 200 acres of the tract was made to Bridgers by endorsement on the deed. In 1752, Bridgers conveyed to Robert Sandifer, who in 1765 devised to his son Robert Sandifer, after the death of the devisor's widow; but in the meantime he gave the lands to her for her life. She is yet alive, and hath conveyed the lands to the plaintiffs. In 1780, John Sandifer obtained a grant from the State, and conveyed to his son Robert, who conveyed to the defendant a part of this land. Gee's patent began at the mouth of Dividing Run, thence north, thence east, thence south to a white-oak, thence along the river to the beginning. This white-oak stood half a mile from the river; and if the line be run a direct course from thence to the beginning, a large part of the land described in the plaintiff's grant will be left out of Gee's patent; but if the river is deemed to be the boundary, the land described in the

defendant's grant will then be included in Gee's patent, and, of course, be also included in Bridgers' deed.

Baker for plaintiff.

Keys for defendant.

WILLIAMS and HAYWOOD, JJ., after argument:

The river in this case must be considered as the boundary of Gee's patent. It has always been thus uniformly decided in our courts.

The jury so found, and there was judgment accordingly.

*Cited: Hartsfield v. Westbrook, post, 258; Cherry v. Slade, 7 N.C. 85; Hurley v. Morgan, 18 N.C. 430; Slade v. Neal, 19 N.C. 62; Shultz v. Young, 25 N.C. 387; McPhaul v. Gilchrist, 29 N.C. 173; Literary Board v. Clark, 31 N.C. 61; Baxter v. Wilson, 95 N.C. 143; Brown v. House, 118 N.C. 878; Bowen v. Gaylord, 122 N.C. 820; Rowe v. Lumber Co., 133 N.C. 437; Whitaker v. Cover, 140 N.C. 284; Boyden v. Hagaman, 169 N.C. 202; 185 Power Co. v. Savage, 170 N.C. 629. *185*

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