line to the first beginning containing and now laid out for three hundred thirty and foure a. of Land more or less according to the cert. of Sur. thereof taken and returned into our Land office bearing date the twenty ninth day of Nov.r Seventeen hundred and six and there rem.g togeather with all rights proffitts beneffitts and previledges thereunto belonging (Royall Mines Excepted) To have and To hold the Same unto him the said William Hunter his heires and assignes forever to be holden of us and our heires as of our Manor of Calverton in free and Comon soccage by fealty only for all manner of services Yielding and paying therefore yearly unto us and our heirs at our receipt at the Citty of St. Mary at the two most usuall feasts in the year (viz.t) the feast of the annuncia of the blessed Virgin Mary and St. Michll. ye Archangell by even and equall portions the rent of thirteen shillings and foure pence half penny ster. in Sylver or gold and for a fine upon every alliena of the said Land or any part or parcell thereof One whole years rent in Sylver or Gold or the full value thereof in such Comodities as we and our heires or such officer or officers as shall appointed by us and our heires from time to time to collect and receive the Same shall accept in discharge thereof at the choice of us and our heires or such officer or officers af.d Provided that if the said Sum for a fine for aliena. shall not be paid to us and our heirs or such officer or officers af.d before such aliena & ye said alliena entered upon Record either in the Prov.ll Court or County Court where the Same peell of Land lyeth within one month next after such alliena. then the said alliena. shall be void and of noe effect. Given under our greater Seale at Armes this tenth day of June One Thousand Seven hund.d and eight. Witness our Trusty and well beloved Col. Henry Darnall Keep.r of our s.d Greater Seale in our said Province of Maryland.

Henry Darnall. Keep.r (Ye great Seal)

In Testimony that the aforegoing is a true Copy from Liber P.L.d No. 3 (folio 39) one of the Records belonging to the Land office of Maryland. I have hereto set my hand and affixed my official seal this 16.th day of November 1804.

(Seal of the Land office W.S. & M.)

John Kilty Reg.r L.d Off. W.S.

It is further admitted that the Land in the declaration of Ejectment mentioned is not included in the said certificate of Hunters Folly, but that it is included in the patent that issued on said certificate, it being admitted that there is a varianed between the certificate and patent, and that the latter comprehends more Land than the former. It is further admitted that the Lessor of the Plaintiff before the institution of the Ejectment in this cause, took up the Land in the Declaration mentioned, as vacant Land, not included in the certificate of the said tract called Hunters Folly, and that he duly obtained a patent for the Same on the day of one Thousand eight hundred and , which said patent is in the words and figures following to wit.

The question submitted to the Court is whether the Land mentioned in the Declaration in Ejectment, was not liable to be taken up as vacancy, it being excluded by the certificate of Hunters Folly, but included within the courses expressed in the patent of said Land. If the Court should be of opinion that the defendant can hold no Land under the Patent of Hunters Folly, but what is also comprehended in the certificate of said Land, or that the Patent Stealle be corrected by the certificate, then Judgment to be entered for the plaintiff for the Land in the Declaration mentioned and cost of suit. If on the contrary the Court should be of opinion that the Patent shall not be corrected or controlled by the certificate, but that the Defendant is entitled to all the Land comprised in the courses expressed in the Patent, then Judgment to be entered for the Defendant.

Th. Buchanan for the Pltff
John T. Mason for Defdt

Whereupon all and singular the premises being by the Court here seen, heard and fully understood and mature deliberation thereupon had, for that it appears to the Court here that the Law arising on the case above stated, is with the Defendant, and that the said Elie Lanham is not guilty of the trespass and Ejectment aforesaid, as the said Elie Lanham above by pleading hath alleged.

Therefore it is considered by the Court here, that the said John Goodtitle lessee as aforesaid take nothing by his declaration