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and the said Callahan at the time of establishing the said usage and practice declared that he had no knowledge what was the usage and practice of the Land Office in the year 1763. and for many years after and that when he spoke of the usage and practice of the Land office he meant the usage and practice of the land office while he was a writer therein which he supposed were conformable to the usage and practice which had been in former times adopted - and upon this Evidence so offered to the Court and Jury. the Defendant prayed the Court for their opinion and direction to the Jury. that these facts so offered in Evidence to the Jury. are sufficient in point of Law to prove that the certificate aforesaid for the Land called Pleasant Vally was duly returned to the said Land office before the 18th day of May 1761 unless the Plaintiff can prove to the contrary. To which opinion and direction of the Court the Plaintiff by his Counsel prays leave to except and that the Court will sign and seal this his Bill of Exceptions according to the form of the Statute in that case made and provided which is accordingly done this 17th day of October 1806.

Wm Blagett (Seal)
Abm Shubert (Seal)

Upon the preceding statement of facts contained in the aforegoing Bill of Exceptions the Defendant prayed the Court for their opinion and direction to the Jury that the application of part of the warrant granted to George Stewart on the 3rd February 1796 to wit two thousand and twelve acres of that Land to make rights to the land mentioned in the warrant to Thomas Bladen

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for three thousand acres dated 16th April 1745 was a good payment on the 3rd February 1796 for so much of the Land to wit four two thousand and twelve acres. mentioned in the said warrant for 3000 acres dated the 16th April 1745. and that the application of that quantity of land so paid for, ought in point of Law to be to the Surveys made in virtue of that warrant in the order in point of time in which the said Surveys were made by the Surveyor who executed the said warrant That David Ross the latter having on the 16th January. 1761 applied to the Judges of the Land Office to effect by proclamation warrants for five tracts of Land surveyed in virtue of that warrant upon the ground that the caution money had not been paid thereon to wit the land called Lawrence Wills Town Big Bottom the prized and sugar Bottom containing altogether 1671 acres the issuing special warrants to the said Ross for said Lands dated 16th January 1761 and having in virtue of that application afterwards to wit on the 11th November 1762 by the Judgment of the Judges of the Land office obtained an order to have patents for the said lands and in virtue thereof did obtain grants for all the said Lands thereby leaving only 1337 acres of land Surveyed for the said Bladen in virtue of the said warrant for 3000 acres to wit Pleasant vally 300 acres walnut Bottom 500. dispute 285. acres three spring Bottom 12 acres and hunt the hare 240 acres the application of the said 2012 acres of land for which the said Bladen made good right as before stated on the 3rd day of February 1796 ought and must be applied to make good rights to the said land called Pleasant Valley walnut Bottom Despute three spring Bottom & hunt the hare and the Court were of opinion and did direct the Jury that if they should find the facts assisted by the defendant that the same were sufficient in law for the Jury to find that as much of the warrant granted to George Stewart on the 3rd February 1796 as was necessary for the payment of the