caution money on Pleasant valley was applied on the 3rd February 1796. and that such application of warrant was a good payment of the caution money on the 3rd day of February 1796. which was then due on the said survey of Pleasant valley. to which opinion of the Court the Plaintiff by his counsel excepts and prays the Court to sign and seal this his Bill of exceptions according to the form of the Statute in such case made and provided which is accordingly done this 17th day of October 1806.

Wm Blagett (seal)
Abm Shriver (seal)

upon the preceding statement of facts contained in the first Bill of Exceptions the Defendant prayed the opinion of the Court and their direction to the Jury. that the Patent granted on the 3rd day of September 1805. to William Mason Thompson Mason and John Mason for the land called Pleasant valley in point of law does relate to the certificate for the said land made on the first day of June 1745. for Thomas Bladen Esqr to give title to the said William Mason Thompson Mason and John Mason and those under whom they claim from the said first day of June 1745 and so far as the land mentioned in the said patent for the land called Pleasant valley is included in the patent for the land called white oak Level the former overreaches the latter and is in point of law to be deemed the elder patent. The Court were of opinion and did direct the Jury that if from the evidence they are satisfied that the caution money was paid upon the certificate for the land called Pleasant valley by the application of as much of George Stewarts warrant dated 3rd February 1796 as was necessary to pay the same on or before the 4th day of February 1762.

that then the said patent to William Mason Thompson Mason and John Mason will operate by relation from the date of the certificate of Pleasant valley to transfer the legal Estate to the Grantees in all the lands contained within the limits of the said grant altho the said warrant to Thomas Bladen in virtue of which the said survey was made was irregularly obtained as no other person had in the intermediate time between the obtention of the said warrant and the said fourth day of February 1762 acquired an interest in the said land to prevent such relation But if the Plaintiff in this cause can prove to and satisfy the Jury that the certificate for Pleasant valley was not returned to the said land office before the 4th day of February 1762. and was not in the land office at that time then it is the opinion of the Court that the said Patent for the land called Pleasant valley is not entitled to have relation back to the date of the certificate for the said land was to overreach the Plaintiffs Patent for the land called white oak Level. 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 Shriver (seal)

And thereupon the Richard Smith Lessee of the said William Stewart David Ross Horatio and Archibald Ross by his attorneis aforesaid prays an appeal from the judgment aforesaid so as aforesaid rendered to the High Court of appeals of the State of Maryland and the same is granted to him it is therefore ordered by the Court here that the record of proceedings aforesaid with all things thereunto relating be transmitted to the said High Court of Appeals of the said State to be held at the City of Annapolis on the