that the Land mentioned in the aforesaid Patent to William Mason Thompson Mason and John Mason and the Land Located upon the plots in this cause returned by the name of pleasant valley are one and the same lands. and not different and also offered in Evidence as aforesaid that before the year 1766. that it was not the practice in the Proprietary Land office of the then province of Maryland. to endorse on certificates of survey the time when they were returned into the said office or to make any entry thereof and that before that time it was the practice of the Lord proprietarys Surveyors when they made surveys for individuals upon warrants issuing from the said office to return to the said office the certificate of survey so made for that office and for the Clerk of the Land office to send that certificate of survey to the Examiner General to be Examined and for the said Examiner to return the same after he had Examined it, to the Land office to be there acted upon and that all certificates of survey returned to the said Land office must remain in the said office six months by the rules of the said office before patent could issue thereon The Plaintiff offered in Evidence that there were instances under the proprietary Government where the parties themselves who claimed under the certificates before the certificates were Examined returned them to the Land Office and officers of that office sent them to the Examiner General for Examination

The Plaintiff also offered in Evidence that before the year 1760 it was Customary when certificates were returned to the Land office to note the same in a memorandum Book for that purpose kept which memorandum Book has since been lost The Plaintiff also offered in Evidence to the Court and jury that altho it was customary for the Surveyor who made out a certificate before the year 1766 to return the same to the Land office from whence it was sent to the Examiner yet there was no regulation which prevented the

party himself from bringing down his own certificate and carrying it himself to the Examiner General previous to its coming into the land office and that before the year 1766. as well as ever since it was the business of the owner of a certificate that had been Examined and passed to carry the same to the person authorised to receive the Composition money that he might ascertain the sum to be paid thereon and to pay the said Composition money to the person so authorized to receive the same and further offered in Evidence to the Jury that all the Evidence so offered to the jury as Establishing the usage of the said Lands office was derived from John Callahan now dead but for many years Register of the Land Office of this State 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 1753. 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 & practice which had been in former times adopted And upon this Evidence so offered to the Court and jury the Defendant prayd 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 valley was duly returned to the said land office before the Eighteenth day of may 1761 unless the Plaintiff can prove to the contrary Which opinion and direction the Court gave accordingly 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 the 17th day of October 1806.

Wm Cl Magetz (Seal)
Abm Shriver (Seal)