again as well the Said William Thrustout Lessee of the said Thomas Spalding by his Attorney aforesd as the aforesd Thomas Reader by his Attorney aforesd and the Said Thomas Reader by his said Attorney as before defends the Force and Injury when &c. and saith that he is not Guilty of the Trespass and Ejectment aforesd in manner and form so as the aforesd William Thrustout Lessee of the said Thomas Spalding above against him hath Complained and of this he puts himself upon the Country and the Plaintiff also

Whereupon for trying the Issue aforesd Command is given to the Sheriff of Annarundel County that he immediately Cause to come here Twelve good and lawfull Men of his Bailiwick by whom &c. who neither &c. to Recognize &c. because as well &c. of which said Precept the said Sheriff to wit John Gassaway Gent. makes return that he has here ready Twelve &c. as by his said Precept he was Commanded to wit Philemon Dorsey, Thomas Morgan, Rouse Talbitt, Thomas Ringgold, William Murdock, Benjamin Ott Samuel Marshall James Emory, William Dare Richard Sedgwick and Thomas Stanton and Gustavus Hanson who being duly Elected Tryed and Sworn to say the Truth in the Premises upon their Oath do say that the said Thomas Reader is Guilty of the Trespass and Ejectment aforesd in manner and form so as the aforesd William Thrustout Lessee of the said Thomas Spalding above against him hath Complained

Therefore it is Considered by the Justices here that the said William Thrustout Lessee of the said Thomas Spalding recover against the said Thomas Reader his Term yet to come and unexpired of in and unto all that Tract or Parcel of Plantable Land called Spaldings Adventure lying and being in the County aforesd with the Appurtenances Containing two hundred and seven Acres of Land and that he have thereof his Possession against the said Thomas Reader &c. And it is also Considered that the said Thomas Spalding Lessee of the said William Thrustout recover against the said Thomas Reader the Sum of

Pounds of Tobacco by the Court here unto him in his Absent Adjudged for his Costs and Charges by him about his Suit in this behalf laid out and expended and the said Defendant in Mercy &c.

Memd. before the Jurors aforesd withdrew from the Bar to Consider of their Verdict the said Defendant by his Attorney aforesd filed in Court here the following Bill of Exceptions (Viz.)

Thomas Spalding's Lessee
as
Thomas Reader } Ejectment

The Plaintiff in the above Cause in Order to prove the Issue on his part read to the Jury a Grant under the Great Seal which follows in these Words. Maryland ss. Charles Absolute Lord and Propietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c. To all Persons to whom these Presents shall come Greeting in our Lord God Everlasting Know Ye that for and in Consideration that Thomas Spalding of Saint Marys County in our said Province of Maryland hath due unto him Two hundred and seven Acres of Land within our said Province One hundred Acres thereof by Virtue of a Warrant for that Quantity granted him the fifteenth day of March Anno Dom. Seventeen hundred and thirty nine One hundred Acres more thereof by Virtue of Warrant for that Quantity granted him the

(fifth)

fifth day of April Seventeen hundred and forty and the remaining Seven Acres by paying the Sum of Seven Shillings Sterling Caution for the same as appears in our Land Office and upon such Conditions & Terms as are expressed in our Conditions of Plantation of our said Province bearing date the fifth day of April Sixteen hundred and eighty four and remaining upon Record in our said Province together with such Alterations as in them are made by our further Conditions bearing date the fourth day of December Sixteen hundred and ninety six together also with the Alterations made by our Instructions bearing date at London the twelfth day of September Seventeen hundred & twelve and Registred in our Secretarys Office of our said Province We Do therefore hereby Grant unto the said Thomas Spalding All that Tract or Parcel of Land called Spaldings Adventure lying and being in Saint Marys County adjoining to a Tract of Land called Delabrook Manor Beginning at a Black Oak marked with six Notches standing on the Top of an Hill or Knoll and near one of the Lines of the said Manor and running thence South fifty Degrees East One hundred seventy six Perches then South fifty five Degrees West thirty Perches then South fifty seven Degrees East One hundred Perches then South Seventeen Degrees West One hundred and sixty Perches then North thirty eight Degrees West One hundred and fifty four Perches then North twenty nine Degrees West thirty Perches then West by North seventy four Perches thence by a streight line to the beginning Containing two hundred and seven Acres of Land more or less according to the Certificate of Survey thereof taken & returned into our Land Office bearing date the twentieth day of August Seventeen hundred and forty three remaining together with all Rights Profits Benefits & Previlidges thereunto belonging Royal Mines Reserved. To have and to hold the same unto him the said Thomas Spalding his Heirs and Assigns for ever to be holden of Us and our Heirs as of our Manor of Beaver Dam in fee and Common Soccage by Fealty only for all manner of Services Yeilding and Paying therefore Yearly unto Us and our Heirs at our Receipt at our City of Saint Marys at the two most usual Feasts in the Year Viz. the Feast of the Annunciation of the Blessed Virgin Mary and St. Michael the Arch-Angel by even & equal Portions the Rent of eight Shillings and three Pence half Penny Sterling in Silver or Gold or the full Value thereof in such Commodities as We and our Heirs or such Officer or Officers as shall be Appointed by Us and our Heirs from time to time to Collect and Receive the same shall Accept in discharge thereof at the Choice of Us and our Heirs or such Officer or Officers aforesd Provided that if the said Sum for a Fine for Alienation shall not be paid unto Us and our Heirs or such Officer or Officers as aforesd before such Alienation and the said Alienation entered upon Record either in the Provincial Court or County Court where the same Parcel of Land lyeth within One Month next after such Alienation then the said Alienation to be Void and of no Effect Given under our Great Seal of our said Province of Maryland this twenty fourth day of August Anno Dom. Seventeen hundred and forty two Witness our Trusty and Wellbeloved Thomas Bladen Esq. Lieutenant General and Chief Governor of our said Province of Maryland Chancellor and Keeper of the Great Seal thereof

T Bladen (The Great Seal in Wax Green)

of the Lands in Dispute and laid down for the Plaintiffs Pretensions upon the Platt returned in this Cause and hereunto annexed upon which the Defendant in Order to show that the said Grant was Void by his Counsel Offered to give in Evidence by Witnesses to Prove that part of the Land contained in the said Grant being part of the Land

(now)