of granting said warrant, according to Charles Lord Baron of Baltimore, our great grandfather of noble memory, his instructions to Charles Carroll, Esq. his then agent, bearing date at London, the twelfth day of September, seventeen hundred and twelve, and registered in our Secretary office of our said province; together with a paragraph of our dear fathers' instructions bearing date at London the fifteenth day of December seventeen hundred and thirty eight, and registered in our Land office. We do therefore, hereby grant unto her, the said Henrietta Rogers, all that tract of land called Widows assistance, lying and being in the County aforesaid: Beginning east three perches from a bounded locust post, standing on the south side of Baltimore Town, near a tract of land called Lans Lot enlarged, and running thence east twelve perches south three perches and one fourth part of a perch, and thence by a straight line to the beginning, containing and laid out for one eighth part of an acre, more or less, according to the certificate of survey thereof, taken and returned into our Land office, bearing date the thirteenth day of January seventeen hundred and sixty seven, and there remaining together with all rights, profits, benefits and privileges thereunto belonging, Royal Mines excepted: To have and to Hold the same unto her the said Henrietta Rogers, her heirs and assigns forever: to be holden of us and our heirs, as of our Manor of Baltimore, in fee and common socage by fealty only, for all manner of services, yeilding and paying therefor yearly unto us, and our heirs, at our receipt, at our City of St. Mary's at the two most usual feasts in the year viz. the feast of the annunciation of the blessed Virgin Mary, St. Michael, the archangel by even and equal portions, the rent of one farthing sterling, in silver or gold, and for a fine upon every alienation of the said land, or any part or parcel thereof, one whole year rent 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 aforesaid. 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 aforesaid before such alienation and the said alienation entered upon record either in the provincial Court or County Court, where the same parcel of land lieth, within one month next after such alienation, then the said alienation shall be void and of no effect. Witness our trusty and well beloved Horatio Sharpe Esq. Lieutenant General and Chief Governor of our said Province of Maryland, chancellor and Keeper of the great seal thereof.

Horatio Sharpe (seal)

In Testimony, that the aforegoing is a true copy from Liber B.B. & G.S. No 33 folio 344, one of the records belonging to the Western Shore Land office of Maryland — I have (seal) hereto set my hand, and affixed my official seal this 29 day of January 1823.

John Brewer. Regr. Lds. off W. Sho. Md.

And also gave evidence that Henrietta Rogers, the patentee, died in the year 1790, when said land descended to the said Philip Rogers, her son and heir at Law. And also that the said land was held and claimed by them, and partly occupied by the tenants of the said Philip, until the year 1819 when the Defendants extended their fence within said land, as denoted by three black dots near red H, red 23 and red 24, as shown on the plats in this cause. The Plaintiff also gave evidence that one Jacob Brown had been sworn and examined as a witness for him upon the survey, made in this cause, that he had at that time shown to the Sheriff and Surveyor, the objects and matters stated in the Surveyors explanations returned in this cause, to have been shown by said Brown and located on the plats in this cause as so shown: and also gave evidence that the deposition in writing of said Brown was taken by the Sheriff upon the said Survey, touching his knowledge of the said objects, and matters so shown by him which Deposition was returned to this Court by the Sheriff with the plats in this cause, and also, that said Brown had been regularly summoned to attend this Court as a witness for the Plff in this cause. And further gave evidence, that since taking of said deposition the said Jacob Brown hath become, and still is, afflicted with a paralytic disease which renders him unable to leave his house, and unable to talk so as to be understood — Thereupon the Plaintiff offered to read the said Deposition of said Brown in evidence to the Jury.

Rogers' Lessee
vs.
Rabory & Redding

Ejectment in Baltimore County Court — Jacob Brown a citizen of Baltimore, aged sixty three, a witness sworn on the part of the Plaintiff on the Survey in the above cause. Deposeth and saith, that he has resided forty years near a lot of ground belonging to Philip Rogers, lying between Pratt street and Preston Lane: that about twenty nine or thirty years ago, he recollects a fence in the rear of the late William Lovesay's lot on Pratt street, now belonging to Parson Armstrong, which ran at that time from the north west corner of George Heide's back brick building, shewn now by him to the Sheriff and Surveyor northwestwardly towards Charles street: that said first fence ran to the south of the southern end Privy on Rabory's Lot, and as far west as the west line of Redding's Lot. That this Deponent has constantly resided at his present dwelling on Light Street, for the last twenty five years, and well recollects that said first fence was destroyed, and a second placed upon the back part of the lots of Rabory, Redding and those on Pratt street. That the Post now shewn by him and the edge of the plank in the ground in Rabory's Lot, was a post and part of the fence of said second fence — that this Deponent, to the best of his knowledge, thinks said second fence was needed on the north of said Pratt street lots, upwards of twenty years since and remained upon said spot, until removed by the Defendant in this suit about two years ago. That said second fence ran from the southern gate post at the end of Armstrong's lot Westwardly to the north western corner of John Redding's lot. Jacob Brown.

Sworn to before William Stewart. J. Shff.

Which the Defendants objected to, and the Court was of opinion, that the