branch lying up north fifty perches, to a bounded red oak, then north north west thirty eight perches, then west north west, one hundred perches, then north and by west fifty perches, to a located marked with four notches, then north north east forty five perches, to a bounded red oak, in the line of the land of Thomas Cole, then west seventy five perches to a bounded oak of the said Coles land, then by the said land north north east two hundred seventy five perches, to another bounded oak, then east sixty five perches, to the falls, then bounding on the said falls to the first bounded tree, containing and laid out fourteen hundred acres, more or less, together with all rights, profits and benefits thereunto belonging, royal mines excepted: To Have and to Hold the same to him, the said Edward Lunn, his heirs and assigns forever, to be holden of us and our heirs, as of our Manor of Baltimore, in fee and common soccage, by fealty only for all manner of services, yielding and paying therefore yearly unto us, and our heirs, at our receipt at our city of Saint Mary's, at the two most usual feasts in the year, viz at the feast of the annunciation of the blessed Virgin Mary, and at the feast of St. Michael, the arch angel, by even and equal portions, the rent of eight shillings, 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's rent in silver or gold, or the full value thereof in such commodities, as we, or our heirs, or such officer or officers appointed by us or our heirs, from time to time to collect and receive the same, shall accept his discharge thereof, at the choice of us, and our heirs, or such officer or officers aforesaid. Provided that if the said Edward Lunn, his heirs or assigns, shall not pay unto us or our heirs, or such officer or officers as aforesaid, the said sum for a fine before such alienation, and enter the said alienation upon record either in the provincial court, or in the county court where the said parcel of land lyeth, within one month next after such alienation, the said alienation the said alienation shall be void, and of none effect. Given at our City of St. Mary's under the great seal of our said province of Maryland, the twentieth day of July in the xxxx^th year of our Dominion over said province, Anno q. one thousand six hundred seventy three. Witness our dear son Charles Calvert, our Capt. General and Chief Governor of our said province of Maryland.

In Testimony that the aforegoing is a true copy from Liber No 17 folio 189. 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 23d day of April 1825

John Brewer Reg. L. Off. W.S.

And then shewed to the court from the plats in this cause that the 16th line of Lunn's Lot as located from red A on said plats in two ways, first to red (125) and secondly to red 129, as shewn on said plats, and also that Deep Point is located by them as shewn on the plats, running its first line the entire length thereof from red A to red (126) with the said 16th line according to the second location of that line, and that there is no other location of Deep point on the plats

which runs the first line thereof its entire length with the said 16th line to either location of said line. Whereupon the Defendants prayed the opinion of the court, and their direction to the Jury, that in as much as Deep Point, if run course & distance will run into Lunn's Lot as located by both Plaintiff and Defendants, and that the grant of such tract properly construed, calls to join on Lunn's Lot, that the first line of the tract called Deep Point must run with an outline of Lunn's Lot the extent of the distance of the first line of Deep Point, and the residue of the tract must be located course and distance with such an allowance for variation as the Jury might deem proper to make, and in as much as Deep Point thus located, binding on Lunn's Lot, as located by either Plaintiff or Defendant on the plats, covers the whole land in controversy, in this cause, that the Plaintiff is not entitled to recover — to which construction of the patent of Deep Point to the running of the first line thereof, so prayed for by the Defendant, the Plaintiff objected, and further shewed to the Court by the plats in this cause, that the Defendants claim for the said tract Deep Point in their defence made and taken in this cause, a different position than that so prayed for by them — upon which prayed the Court gave the following direction to the Jury to wit: The tract of land, called Deep Point, must, in its first line, run joining on Lunn's Lot, the entire length of said line, and cannot run into it, and there being but two locations of Deep Point in this manner, by either of which the claims and pretentions of the Plaintiff are covered by Deep Point, to which he set up no title, the Plaintiff is not entitled to recover — to which refused before mentioned, and to the opinion of the Court, the Plaintiff by his counsel, excepted. & prayed the court have to sign & seal this his bill of exceptions, which is done, this day of November, eighteen hundred and twenty six.

Chs. W. Handson (Seal)

And thereupon the said John Denn, Lessee as aforesaid, by his attornies aforesaid, prays an appeal from the judgment aforesaid, so as aforesaid rendered to the court of appeals for the Western Shore of the State of Maryland, and to him it is granted. It is therefore ordered by the court here, that a record of the proceedings in the plea aforesaid, with all things thereunto relating, be transmitted to the said court of appeals, and the same is transmitted accordingly,

Test. Wm. Gibson, Clk.

In Testimony that the aforegoing is truly taken from the record of proceedings of Baltimore County Court — I have hereto subscribed my name and affixed the seal of the said court, this eleventh day of January, in the year (Seal) of our Lord one thousand eight hundred and twenty seven.

Wm. Gibson Clk of Balto County Ct.

And now come into the court of appeals here, as well the said John Denn Lessee as aforesaid, by Henry W. Rogers his attorney, as the said Christopher Raborg and John Redding, by John Pinnance, John Glenn and Charles F. Mayer, their attornies: and thereupon, on motion of the said Christopher Raborg and John Redding by their attornies aforesaid, it is ordered by the court here, that the said John