with a fence South sixty eight and a half degrees East twenty perches to a stone, then with the division fence between ——— Lanher and the said John Spessart South thirty three and a half degrees West, sixty nine perches into the waggon road leading from Hagers Town to Cave Town, and with the said road North seventy six degrees West, thirteen perches, then with the division line between Jacob Thomas and John Spessart, South twenty eight degrees West two hundred and forty two perches to a stone set up on the second line of "Dry Spring," and with that line reversed North seven degrees East forty perches and three quarters to a stone, and then running with the lines of the deed from Jacob Rohrer to John Walfersberger North eighteen and a half degrees, East, twenty four perches to a stone then still running the same course North eighteen and a half degrees East, six perches to a stone, then North thirty seven degrees West, eighty perches to a stone, North fifty and a half degrees West, eighteen perches to a stone, North thirty two degrees West, fifty three perches to a stone planted between two black trees, then with the division fence between Peter Stotler and John Spessart North twenty eight and a half degrees East, two hundred and twenty one and a half perches to a stone, and then with the division fence between Stotler and John Spessart, South fifty eight degrees and three quarters East, one hundred and forty five perches to the beginning containing two hundred and thirty nine acres of land more or less together with all the rights, privileges and appurtenances thereunto belonging or in any wise appertaining. To Have and To Hold the said land and premises above described unto him the said John Spessart, his heirs and assigns forever, the one undivided moiety thereof. To the only proper use and behoof of the said John Spessart, his heirs and assigns forever, and the other undivided moiety thereof in Trust, for the use of Christiana Spessart widow of the said Michael Spessart, deceased, during her natural life, and after her death, then to the use of the said John Spessart, his heirs and assigns forever: Provided he shall elect to take the said undivided moiety of the said land as devised to him by the said last will and testament of the said Michael Spessart, deceased, on the condition therein mentioned of paying to each of his said sisters Elizabeth Runnels, Maria Weaver and Christiana Sterret, the sum of nine hundred dollars in the manner specified in the said will, and in the event of the refusal of the said John Spessart to take the said undivided moiety of the said land under the said last will and testament on the said condition therein mentioned, then to hold the said undivided moiety of the said land to the use of the said John Spessart, Elizabeth Runnels, Maria Weaver and Christiana Sterret, their heirs and assigns forever, as tenants in common. In Testimony whereof the said Joseph Graff hath hereunto set his hand and affixed his seal the day and year first herein before written. —

signed, sealed and delivered in the presence of us — Jno. McElheny
Benjamin Yost. —

Joseph Graff. (Seal)

Washington County Set. — Be it remembered that on this fifteenth day of August in the year of our Lord one thousand eight hundred

and twenty nine personally appeared before us the subscribers, two Justices of the Peace of the State of Maryland, in and for the County aforesaid, Joseph Graff the party grantor named in the with deed or instrument of writing and acknowledges the same to be his act and deed according to the purport true intent and meaning thereof and the acts of Assembly in such case made and provided. Taken and certified by — Jno. McElheny.
Benjamin Yost. —

That Some — during the year one thousand eight hundred and forty, and previous to the twelfth day of March, eighteen hundred and forty seven when the declaration in this case was filed, the said Joseph Graff deceased. That by virtue of the said deeds from the said Jacob Rohrer, Sr. to the said Joseph Graff, and from the said Joseph Graff to the said John Spessard, the said John Spessard entered upon and took possession of the premises in question on the day of the date of the said last mentioned deed and has continued in possession thereof from that time, until the present time claiming title thereto and claiming title thereto in fee, and that the said John Spessard is now in possession thereof. — It is admitted that the following persons were the heirs at law and legal representatives of the said Jacob Rohrer, Sen. deceased, to wit, Jacob Rohrer, Joseph Rohrer (of John) Samuel Rohrer, Frederick Rohrer, Elizabeth Barr, intermarried with John Barr, Barbara Lawther, Mary Funk, intermarried with Henry Funk. — Barr, intermarried with Jacob Barr, (she is since deceased, leaving several children of the said intermarriage) David Rohrer, Joseph Rohrer (of Martin) Betsey Kindrick intermarried with Jacob Kendrick Barbara Rohrer and Ann Kendrick intermarried with Benjamin Kendrick, and that if the legal title to the said premises would be in the said Jacob Rohrer Sen. (deceased) if living that the said legal title is now in the Lessors of the plaintiff. —

And if upon the whole case the Court shall be of opinion that the legal title to the premises in question is in the Lessors of the plaintiff, it is agreed that Judgment in the usual and proper form shall be entered for the plaintiff if not, that Judgment shall be entered for the Defendant either party to be at liberty to appeal or sue out a writ of error. —

R. M. Tidball, for Plff.
Alex. Neill, Jr. for Deft. —

Whereupon the Court having read and considered the foregoing proceedings, it is considered by the said Court here that the said Richard Roe, Lessee aforesaid, recover against the said John Spessart, his term aforesaid yet to come and unexpired of, in and unto all that tract or parcel of pleasantable land, part of which is included within the lines of a tract of land called "Rohrer's Lot," "Stoney Corner," "Rohrer's Addition" and "The Resurvey on George's Mistake, George's Adventure and The Barrens"; and the sum of Ten dollars for his damages to be sustained