of us and our Heirs or such officer or officers aforesaid Provided that if the said sum for a fee 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 lyeth within one month next after such alienation then the said alienation shall be void and of no Effect. Given under our Great Seal of our said Province of Maryland this 13 day of January Anno Domini 1764, Witness our trusty and well beloved Horatio Sharpe Esquire Lieutenant General and Chief Governor of our said Province of Maryland and Chancellor our Keeper of the Great Seal thereof

Horatio Sharpe (The Great Seal)

State office of Maryland

I certify that the aforegoing is truly copied from Liber 13C and folio 18 folios 468, 469 and 470 one of the Land Records (Seal) of this office Patents Book of Charles county as by same and affixed the seal of the Land office of Maryland this 13 Oct 1844.

T Murray Clk of Land Office

to which said Patent as offered in Evidence the defendant objects as inadmissible in Evidence upon the ground that it was not properly located on the Plats in this Cause it does not appear from such plats or from any explanations of the Sheriff and Surveyor accompanying said plats that the said patent had been located according to the courses and distances mentioned and contained therein which objection the Court sustained, to which ruling of the Court Plaintiff by his Counsel Pogue & Lane excepted and prays the Court to sign and seal this Bill of Exceptions which is accordingly done this 5 day of December 1858.

T Nelson (Seal)

Henry Clay
vs
Anthony Stimmel

In this case the plaintiff further to support the issue on his part in addition to the Evidence offered and contained in the first Bill of Exceptions which is to be taken as part of this Bill of Exceptions offered to prove by parol that the Land in the plat Commencing at the Letter C and from thence with the dotted Yellow shaded Lines No 1. 2. 3 to E thence with the Blue shaded Lines No 1. 2. 3 to R thence dotted Line from R to C as marked and described in the explanations endorsed on the plat to represent the possession of the plaintiff and also as the Locus in quo of the alleged trespass in Stimmel's declaration by the name of Partnership, and also that the plaintiff and those under whom he claims had been in possession of said Land so located and described as aforesaid as his and their possession and claiming title thereto for more than 20 years next before the alleged trespass was commenced, and that the plaintiff was in actual possession of said Land at the time of the alleged trespass

and the defendant objects to the admissibility of said Evidence on the ground that the plaintiff having located in the plats part of the Tract of Land called Partnership was not at liberty to abandon his said location and offer proof independent of and a part from his said location which objection the Court sustained and refused to permit said proof and evidence to be offered to the Jury. Whereupon the plaintiff excepted and prayed the Court to sign and seal this Bill of Exceptions which is accordingly done this 5 day of December 1858.

T Nelson (Seal)

In addition to the Evidence contained in the first and second Bills of Exceptions which is to be considered as a part of this Bill of Exceptions the plaintiff offered in Evidence to the Jury a certificate of a tract of Land called Partnership bearing date in the 8 day of January 1793 granted to William Cummings located by plaintiff upon the plats as follows.

State of Maryland } By virtue of a special Warrant of Resurvey granted out of the Land Office for the Western shore to William Cummings of Frederick County bearing date the 11 day of May 1792 to resurvey the following Lands at Rock Enderdan originally on the 8 day of February 1754 granted William Cummings for 3 Hundred The Resurvey or Colloden originally on the 6 day of July 1771 resurveyed for William Cummings for 614 and part of Friendship originally on the 13 day of January 1764 granted William Cummings for 913 acres &c I find upon examining the title papers of the said William Cummings that the aforesaid tract called The Resurvey or Colloden includes the first above mentioned Tract and Collection from which it became necessary to resurvey only the two first mentioned Tracts by the Resurvey or Colloden and part of Friendship to resurvey said Lands around all errors and add the contiguous Vacancy. I therefore certify that I have carefully resurveyed for and in the name of them the said William Cummings the aforesaid tracts or parcels of Land lying and being in the County and State aforesaid called The Resurvey or Colloden and 3 Hundred acres Part of Friendship and find the same to contain the quantity of 913 acres and that they lay fair on each other and in order surveys the quantity of 1167½ acres and remains clear 807½ acres to which I have added 3 pieces of adjoining contiguous 60½ acres and reduced the whole in one entire Tract as appears by the plat below, Beginning for the first Lines thereof at a large Spanished White Oak at being the Beginning tree of a tract of called Venus granted Andrew Scott for 200 acres also being the end of the 1st line of a tract of Land called Addition to Whiskey Ridge and running thence and with the bounds of said Land therein the following Courses viz South 47 degrees and one quarter West 60½ perches to a stone planted South forty degrees West 91 perches to a stone South 60 degrees West 96