pt to the Beginning of said land which is also the end of the first line of a tract of land leased to John Hamels on the 17th day of Septr 1745 and running said 4th and 3d lines of said land South 68 deg west 16 ps pr Perch 37 deg west 108 ps to a large red oak on sd sides and ends a straight line to the beginning containing three hundred and Eight acres subject to the condition that the road now open and leading from the said saw Mill near Williams road to the Potomac River shall be kept open as a public road Witness my hand and seal.

George Smith Senr
Executor of John Hess dec'd

Attest Andrew Gonder

State of Maryland Allegany County to wit

I hereby certify that on this 13th day of March in the year 1826 before me the subscriber a Justice of the peace of the State aforesaid in and for the County aforesaid in and for the County aforesaid personally appeared George Smith of Alexander Executor of the last will and testament of John Hess deceased and acknowledged the foregoing deed to be his act.

Andrew Gonder J.P.

It was agreed that the Will of John Hess authorizing his Executor the said George Smith to execute said deed the Will of the said John Hess was admitted and is pronounced here and had read in this case.

The defendant to sustain the issue on his part produced in evidence a deed from Andrew Bruce Sheriff dated the 12th day of April 1825 viz

This Indenture deed was recorded April 12th 1825. This Indenture made this 12th day of April in the year of our Lord 1825 between Andrew Gonder Esquire late Sheriff of Allegany County State of Maryland of the one part and the Cumberland Bank of Allegany of the other part Witnesseth whereas on the 18th day of October in the year of our Lord 1823 a certain writ of the State of Maryland of Venditioni Exponas issued forth out of Allegany County Court in the State of Maryland directed to the said Andrew Bruce he being at the time aforesaid the Sheriff of Allegany County in the State aforesaid reciting that whereas at a County Court began and held at the Court House in the Town of Cumberland on the second Monday of October in the year of our Lord 1823 the

Cumberland Bank of Allegany by the judgment of the said Court recovered against Thomas Monnett late of Allegany County yeoman as well the sum of three thousand dollars current money certain damages which the said Bank had sustained as well by reason of the non performance of a certain promise and assumption by the said Thomas to the said Bank before that time made as for costs and charges by it about its suit in that behalf had and expended whereof the said Thomas is convicted as it manifestly appears of record And whereas at a County Court begun and held at the Court House in the County of Cumberland in and for Allegany County aforesaid on the second Monday of October in the year of our Lord 1823 it was considered that the said Bank should have its execution against the said Thomas for the said damages costs and charges aforesaid as for the sum of five dollars and fifty cents which to the said Bank in said Court was assessed for the costs and charges by the said Bank sustained by delay of the execution aforesaid whereof the said Thomas is convicted as by the Record appears of Record And whereas also on the 22 day of December in the year 1823 command was given to you that of the goods and chattels lands and tenements of the said Thomas Monnett being in your bailiwick you should cause to be made the damages costs and charges aforesaid and that you should have those sums before the said County Court to be held at the Court house in the Town of Cumberland on the 2d Monday of April then next to be rendered unto the said Cumberland Bank of Allegany for the damages costs and charges aforesaid. As also that the third Monday of April you made return thereof to the Court that by virtue of the said writ to you directed for that purpose you had taken all the right title and interest of the said Thomas Monnett in or to part of a tract of land called the Resurvey or Hollins Discovery containing fourhundred and forty four acres lying and being in Allegany County with the improvements thereon also four Negroes five head of cattle 20 head of sheep seven hogs five ploughs four feather beds and bedding one desk and Cupboard and some Kitchen furniture the goods and chattles lands of