Davidson's Lessee
against
Charles Beatty

In the Trial of this Cause the Plaintiff by his Counsel to make title to the Lands in the Declaration in Ejectment in this Cause mentioned offered in Evidence an enrolment of writing purporting to be a Deed from John Gordon to John Davidson the Lessor of the Plaintiff, which with the Indorsements thereon are in the words and figures following. This Indenture made this tenth day of May in the year of our Lord one thousand seven hundred and ninety four Between John Gordon of the City of Annapolis of the one part, and John Davidson one of the Honorable Members of the Counsel of the other part. Witnesseth that for and in Consideration of the sum of Five thousand pounds Current money to the said John Gordon in hand well and truly paid by the said John Davidson at or before the sealing and delivery of these presents, the receipt whereof he the said John Gordon doth hereby acknowledge and therefrom and from every part and parcel thereof doth acquit release and for ever discharge the said John Davidson his heirs Executors and Administrators and every of them by these presents, he the said John Gordon hath granted, bargained, sold, aliened, enfeoffed and Confirmed and by these presents doth grant, bargain, sell, alien, enfeoff and Confirm unto the said John Davidson his heirs and assigns all those two hundred and thirty six acres of land being part of a Tract of land Called Thraves Disappointment lying and being in Frederick County as heretofore Called but now in Montgomery County being the same part of said Tract of land which was heretofore devised by George Gordon to the said John Gordon by the Discription of my Dwelling house at Rock Creek in Frederick County with the Country Lands adjacent, together with all houses buildings and improvements of every nature and kind thereon situate and thereto belonging the reversion and reversions, remainder and remainders, rents issues and profits of all and every part thereof to have and to hold the said two hundred and thirty six acres of land each and every part thereof together with all the Houses buildings and improvements of every nature and kind thereon situate and being the reversion and reversions, remainder and remainders, rents issues and profits of all and each and every part thereof to him the said John Davidson his heirs and assigns forever to the only proper use and behoof of him the said John Davidson his heirs and assigns for ever and the said John Gordon for himself and his heirs the said land each and every part thereof to the said John Davidson his heirs and assigns against himself and his heirs and against all and every person Claiming or to Claim by from through or under him or them will for ever by these presents Warrant and defend. And the said John Gordon hath made Constituted and appointed, and by these presents doth make Constitute and appoint Thomas Johnson of Prince Georges County resident in the City of Washington his true and lawfull Attorney for him and in his name, place and stead to enter upon the said land and premises hereby granted and Conveyed or mentioned or so intended to be, or into some part thereof in the name of the whole to enter, and full and peaceable possession and seisin thereof for him and in his name and stead to take and have, and after such possession and seisin thereof taken and had, the like full and peaceable possession and seisin thereof or of some part thereof in the name of the whole unto the said John Davidson to give and deliver To have and to hold the same to the said John Davidson his heirs

and,

and assigns for ever, according to the true intent and meaning of these presents, the said John Gordon hereby ratifying, confirming and allowing all and whatsoever his said Attorney shall lawfully do in the premises. In Witness whereof the said John Gordon hath hereunto set his hand and seal the day and year first above written.

Signed Sealed and delivered in the presence of the words "as heretofore Called, but in Montgomery County" being first interlined.

John Gordon (Seal)

C. Richmond, P. Magrath.

At the foot of the aforegoing Deed was thus written to wit, May 10th 1794. Received of John Davidson the sum of five thousand pounds Current money, being in full of the Consideration of the within Conveyance, as Witness my hand and seal. John Gordon (Seal)

Witness C. Richmond, Patrick Magrath.

Annapolis May 13th 1794 Then comes before me Subscriber one of the Honorable the Judges of the General Court the within named John Gordon and acknowledged the within Instrument of Writing to be his Act and Deed and the lands and premises therein Contained to be the right, title and Estate of John Davidson his heirs and Assigns according to the true intent and meaning thereof; and the power of Attorney therein contained to be his act and deed and delivered for the purpose therein mentioned

Acknowledged before. Saml Chase

Be it Remembered that on the sixteenth day of May one thousand seven hundred and ninety four, full quiet and peaceable possession and seisin was had and taken of the Tract a parcel of Land and premises herein mentioned by Thomas Johnson the Attorney within named, and by him delivered over unto the within named John Davidson to have and to hold the same and every part thereof to the said John Davidson his heirs and assigns according to the purport, intent and meaning of the within indenture, in our presence as Witness our hands.

Saml Davidson, Ben Ray Junr.

Recorded the 24th day of July 1794.

Whereupon the Counsel for the Defendant, alledging that the said land in the said Declaration of Ejectment mentioned is within the Territory of Columbia and offering by parole Evidence to prove the same, objected that no Interest or Estate passed by said deed, it not having been recorded in pursuance of the Act of Assembly of the year 1791 C. 45, by the Clerk for recording deeds of Lands within the Territory of Columbia. And thereupon it was insisted on the part of the Plaintiff that to entitle the Defendant to object against the operation of the said Deed he ought to have located on the platt hereto annexed that part of the Territory of Columbia lying in this State, so that it might appear the land mentioned in said deed was within the Territory. And also that it was necessary the Defendant should prove to the Jury that such Commissioners as are in the said Act mentioned have been appointed and that they or some two of them had appointed a Clerk according to the provisions of the said Act within six Calender Months after the Execution of the said Deed and that the said Clerk had duly qualified; And the Plaintiff by his Counsel prays the opinion

of