Long Reach) standing near the aforesaid River Side Sayd trees being the Orig.l being trees of the sayd Dorsey's Search, and running thence up and with the Sayd River N.th E 124 p.s thence N. 62.d E 80 p.s thence N. 21 E 48 p.s thence N. 36 p.s thence N. 14.d E 42 p.s thence N. 59.d W 38 p.s to a parcel of land called Dyers Inheritance thence with sayd land N 9.th E 185 p.s thence N. 5. W 256 p.s thence S 45.th E 32 p.s to a Orig.l bounded White Oak of the aforesaid Dorseys Search thence S 47.th E 432 p.s to y.e aforesaid Land called Long reach thence with the said land to y.e aforesaid three bounded White Oaks containing and now layd out for Seven hundred and fifty Acres of land more or less to be holden of the Mann.r of Baltimore. Resurvey March 27.th 1723.

p.r Mr. John Dorsey Dep.ty Survey

Endorsed on the Back. P B K. R.d Ridgely G.

(For plat See page 385.)

And the Plat, Certificates and Explanations in this Case and Likewise produced the Surveyor, who made out the platts in this Cause, who gave Testimony to the Jury that the old fields mentioned in the Deposition of James Kirby were all the old fields that are described as included in the yellow lines marked on the platt to designate old fields — And thereupon the Defendant moved the Court to direct the Jury that according to the true Grammatical construction and Evident meaning of the expressions used in the patent of Dorseys Search the Original the Said tract from its beginning at figures 90, to its second boundary at figures 91, ought to bind on the said River, and not extend over the River to the Westward thereof so as to include any land on the West side thereof, and that the expressions "and bounding on the Said river" were not in construction to be confined to the first Course but relate to the whole of the Courses mentioned which are stated to be run from the beginning to the second tree by the river side. —

But the Court were of Opinion that the true construction of the Said Certificate according to the words and Expressions therein, is to run the first Course N.th East 87 perches binding the Same on the river Patuxent, and all the subsequent Courses according to the Course and distance until you come to the Course N. 1.st W. 48 perches. —

This Construction in the Opinion of the Court is conformable

to the plain meaning of the words and gratifies every part of the Said Certificate and is pursuant to the intention of the Surveyor to be collected from the words he has used — The construction contended for by the Counsel for the Defendant disregards and rejects all the Courses subsequent to the first and cannot be admitted, there being no call or binding Expression in either of the Said Courses; and therefore the Court refuse to give the direction prayed to the Jury — To which Opinion of the Court the Defendant by his Counsel excepts and prays the Court to Sign and Seal this his Bill of Exceptions according to the form of the Statute in Such case Provided and which is accordingly done this twenty fourth day of October in the year of our Lord one thousand eight hundred and one

Jeremiah Townley Chase. (Seal)

G Duvall (Seal) John Done (Seal)

And thereupon the Said Rezin Hammond by his attornies aforesaid prays an Appeal from the Judgment aforesaid So as aforesaid rendered to the High Court of Appeals of the State of Maryland and it is granted him, It is therefore Ordered by the Said Court here that the record and proceedings aforesaid in the plea aforesaid with all things thereunto relating, be transmitted to the Said High Court of Appeals of the Said State, and the Same are transmitted to the Said Court accordingly — And the Plaintiff agrees to Stay Execution in this Cause until the first determination in the Court of Appeals — Provided the Appeal is prosecuted &c.

Test. John Gwinn Clk.

628.d

Israel Whelen and Joseph I Miller for the use of John Bohlen against Alexander Clagett & Benjamin Clagett	Be it remembered, that heretofore, to wit on the seventh day of July in the year of our Lord one thousand eight hundred, the Said Israel Whelen and Joseph I. Miller by Robert Smith their Attorney prosecuted and sued forth, out of the General Court here, the writ of the State

of Maryland of Capias ad respondendum, directed to the Sheriff of Washington County, in the words following to wit, —

Maryland, S.s The State of Maryland, To the Sheriff of Washington County, Greeting, You are hereby commanded to take Alexander Clagett and Benjamin Clagett both late of Washington County aforesaid Merchants if they Shall be found in your bailiwick, and them safe keep, So that