October Term 1805.

Ezekiel Boring Lessee
vs.
Christian Chingery

Ejectment.

In the trial of this cause the defendant produced and read in evidence to the Court and Jury the office copy of the original Certificate of Chingerys Trouting Streams, with its indorsements: And also the patent that issued thereon in 1775. and then produced and read in evidence to the jury the office copy of the certificate of Brings Habitation Rock with its indorsements and the grant which issued thereon to the Plaintiff in this cause which said certificates and Patents are contained in the preceeding Bill of exceptions.

The Defendant gave in evidence to the Jury that the locations on the platts made in this cause on the part of the defendant were true as by him located and contained truly the land granted to him in 1775. and further offered evidence to prove to the jury that the land included in said grant comprehends and contains within its limits the land granted to the lessor of the plaintiff and for which this suit is brought: and produced and read in evidence to the Court and Jury an office copy of the record and proceedings now depending in the high Court of Chancery of the state of Maryland between the lessor of the present Plaintiff and defendant exhibited expressly to vacate the aforesaid grant so as aforesaid made to the defendant. And further produced and read in evidence the Records and proceedings in the Council Chamber by which a Commission was created for the purpose of selling certain lands of the then proprietor of Maryland which is as follows to wit:

F. Baltimore — Frederick Absolute Lord and Proprietary of Maryland and avalon in America. Lord Baron of Baltimore in the Kingdom of Ireland.

To our trusty and well beloved brother Robert Eden Esqr. Lieutenant Governor of our said province of Maryland. The Honble. Daniel Dulany Esqr. and John Moreton Jordan Esqr. Greeting;

Know ye that we taking into our consideration the State and condition of our Manors and Reserved Lands in our said province and being desirous to extend and promote the cultivation and improvement thereof and for that purpose to grant to the good tenants of our said province such permanent interests therein as may encourage and invite them to undertake and prosecute the same to their own emolument and the publick Benefit of our said province. Have given full power and authority to you or any two of you and the survivors and survivor of you as we do by these presents give full power and authority to you or any two of you and the survivors and survivor of you for us and in our name to grant sell and dispose of or otherwise to treat contract and agree for the granting selling and disposing of all or any of our said Reserved Lands and manors in our said province as well cultivated as uncultivated to all and every person or persons who shall be willing to purchase the same upon such terms and conditions &

October Term 1805.

under such rents and reservations and in such manner and form as by our orders and instructions under our hand and seal bearing even date with these presents are in that behalf specified and declared which orders and instructions. We have directed to be entered in the Council Books of our said province and do declare to be of the same force and validity as if inserted in these presents and according to such further and other orders and instructions as you shall from time to time receive from us in that behalf and for the purposes aforesaid we do hereby authorise and impower you or any two of you and the survivors and survivor of you to seal and as our act and deed in due form of Law to deliver all proper deeds conveyances assurances contracts & agreements also to receive the consideration or purchase money to be thereupon paid and to sign receipts and give acquittances for the money to be so received and paid which shall be sufficient discharges to the persons paying the same for the money to be so received and generally to do all such acts which shall or may be requisite and expedient in the premises in as full and ample manner to all intents and purposes as we ourselves might or could do if personally present. And whatsoever you the said Robert Eden, Daniel Dulany and John Moreton Jordan or the survivors or survivor of you shall lawfully do or cause to be done in the premises during the continuance of these presents (which we will to be for the space of two years and no longer) We do by these presents and shall and will at all times hereafter ratify and confirm and allow to all intents and purposes whatsoever revoking as we do hereby revoke all persons and authorities at any time heretofore given by us touching or concerning the sale or other dispositions of our said manors and Reserved lands or any part thereof or any other the premises. Given under our hand and Upper seal of Arms this thirtieth day of June in the nineteenth year of our Dominion of the said province and in the year of our lord one thousand seven hundred and sixty nine.

Countersigned by his Lordships command
Hugh Hamersley

(F. Baltimore) (Seal)

F. Baltimore. — Frederick Absolute Lord and Proprietary of the Province of Maryland and Avalon in America. Lord Baron of Baltimore in the Kingdom of Ireland.

To our trusty and well beloved brother Robert Eden Esqr. Lieutenant Governor of our said provinces. The Honble. Daniel Dulany Esqr. and John Moreton Jordan Esqr.

Instructions to be observed and ~~and~~ pursued by you touching the sale of the manors and Reserved lands in our said province of Maryland referred to by our Commission of even date.

Whereas we the said Frederick Lord Baltimore as absolute Lord & Proprietary of the said province of Maryland are seized of or otherwise entitled to divers