11th Provided always and we do hereby declare that in case of fraud collusion or other contravention of these our instructions and not otherwise all sales or contracts for sales to be made by virtue or under colour of these presents shall be revokable by us or our heirs for the space of twelve months from the date hereof. But if not revoked within that term the same shall be then absolute. In case of a revocation notice thereof shall be given immediately and the money advanced returned to the purchaser with the usual interest of the province and compensation also made for all sums of money which shall bona fide have been laid out for clearing and improving or building on any part of the lands contained in such sale to be ascertained by arbitrators or otherwise as you shall see fitting.

12th In case any one of our three commissioners shall die or depart the province before the authorities hereby delegated shall have been fully and compleatly carried into execution then it is our will that the President of the Council of our said province for the time being shall succeed to and be invested jointly with the two surviving or remaining commissioners in all the same powers and authorities as are thereby given to such dying or departing commissioner together with the two other commissioners therein named and that as fully and amply as if he had been originally named therein.

13th That these presents and our commission of even date be and remain in full force for two years from the day of the date of these presents and no longer.

Given under our hand and Lesser seal of Arms this thirtieth day of June in the nineteenth year of our Dominion of the said Provinces and in the year of our lord one thousand seven hundred and ninety nine.

Countersigned by his Lordships command (Seal) B.
Hugh Hamersley

I hereby certify that the foregoing is a true copy from the commission Book of the Council E.R. Lines 17th 1770 folio 241 to 244 inclusive. Witness my hand this 4th day of January anno Domini 1792.

T. Johnson Jr. Clk Council.

And the Defendant proved that the lands claimed by the defendant in virtue of his patent aforesaid, were claimed by him under a purchase from the persons acting under said commission and that said lands were part of the private estate of the said proprietary and not liable to be effected by the ordinary proceedings and usual practice of the Land Office and proved that John Blapham whose name is put to the Receipt of the consideration money endorsed on said certificate was then acting as clerk to said commission. Whereupon the Defendant by his counsel prayed the opinion of the Court and their direction to the jury

that it is not competent in a court of law for the Plaintiff under the circumstances of this case to give any evidence to the Jury or go into any parole examination of the surveyor or his Books to vacate the defendants grant or to prove that the certificate returned to the Land Office as a foundation for said grant was forged or fraudulent and not made out by him or his authority. But the court refused to give the direction prayed. 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 made and Provided. which is accordingly done this second day of November in the year of our lord one thousand eight hundred and five.

Jeremiah Townley Chase (Seal)

Ezekiel Boreings Lessee
v.
Christian Singery

Ejectment.

The Defendant in the trial of this cause offered in evidence to the Jury the commission and depositions returned under a commission which are as follows to wit:

Maryland S.s

The State of Maryland. To Messrs. George Ashman Thomas Cromwell, George Glugage and Henry Moore of Huntingdon County in the State of Pennsylvania Greeting. Know ye that you or any three or two of you are appointed commissioners to examine evidences in a cause depending in the General Court for the western shore of the said State between Ezekiel Boreings Lessee Plaintiff and Christian Singery defendant. Therefore you or any three or two of you are requested having first taken the oath hereunto annexed and also administered the annexed oath to the person whom you shall appoint as clerk to attend the execution of this commission that at such time and place as to you or any three or two of you shall seem convenient you cause to come before you or any three or two of you all such evidences as shall be named or produced to you or any three or two of you by either the Plaintiff or defendant and that you, or any three or two of you, examine them upon their corporal oaths to be by you or any three or two of you administered on the holy evangely of almighty god touching their knowledge or remembrance of any thing that may relate to the cause aforesaid, and that you or any three or two of you, cause notice to be given to the parties or their Attornies of the execution of this commission before you execute the same; and having reduced the depositions of the Witnesses so taken by you or any three or two of you into writing you send the same with this commission closed under your or any three or two of your hands and seals to the Judges of the said General court with all convenient speed. Witness the honorable Jeremiah T. Chase Esq. chief Judge of the said court. the 13th day of August in the year of our lords one thousand seven hundred and ninety nine.

Wm. Gwinn Clk.

Issued the 13th day of September 1799.

W. Cooke (Seal)
L. Martin. (Seal) for Pltff.

A. Shaaff (Seal)
J. Winchester (Seal)
Philip D. Key (Seal) for Defendant