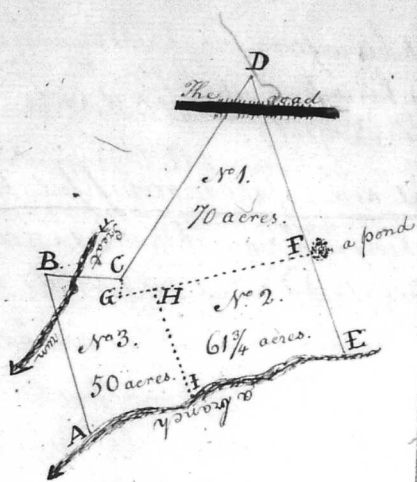


in the aforesaid Cause - Given under our hands and seals the fifth day of February 1796.

Rancho Lee LS
Charles Duncan LS
Augustine Jennings LS



In obedience to an order of the worship-
ful Court of Fauquier County dated
the 25th day August 1795, I have in
presence of Rancho Lee, Augustine
Jennings, and Charles Duncan Gentle-
men three of the Commissioners in the
said Order named Surveyed and divided
the land that Edward Nugent Deced^t
did possessed of - viz Beginning at

A a small ash by a branch corner to M^r John Bronaugh's Land in
Gavin Lawsons line, thence with said line and cross the Great Run
North twenty seven West one hundred and twenty five poles to B, a
stump in Turberville's line thence with his line South eighty six
East fifty nine pole crossing Great Run again to C and Oak fell
down thence North thirty one East one hundred and ninety pole
to D a stake in Captain James Witherses Plantation thence South
twenty East two hundred twenty seven poles a long welches patent
line to E a small red bud bush by the first mentioned branch thence
down the said branch according to the several courses and meanders there-
of to the beginning containing 181 3/4 acres.

Then as directed by the Commissioners divided the said Tract into three
parts, of which Lot N^o 2 was laid off for the widows dower and bound
ed as following viz Beginning at I a Spanish Oak by a branch
corner to Lot N^o 3 thence North twenty one West eighty six poles to H
a stake in cleared Ground thence North seventy six East one hundred
and twenty seven poles to F a box oak and red oak by a pond in

welches

Welches patent line thence with it South twenty East Eighty pole to
 E a small red bud bush by the said branch thence down the said
 Branch binding therewith to the beginning containing $61\frac{3}{4}$ Acres
 Lot N^o 1. allotted to M^r John Bronaugh Beginning at F a
 box oak and red oak by a pond thence South seventy six West one
 hundred and fifty two pole to a hickory at G thence North ten
 East ten poles to C, a red oak fell down thence North thirty or
 East one hundred and ninety pole to D a stake in Captain James
 Withers's plantation thence South twenty East one hundred and
 forty seven pole to the Beginning containing Seventy Acres
 Lot N^o 3 allotted for the Orphans, Charles Nugent, Polly Nugent
 and Dale Nugent Beginning at A a small ash by a branch in
 Gavin Lawsons line thence with it North twenty seven West
 one hundred & twenty five pole to B a stump in Turbervilles line
 thence with it South eighty six East fifty nine pole to C a red Oak
 fell down thence South ten West ten pole to G a hickory thence
 thence North seventy six East twenty five pole to H a stake thence
 South twenty one East eighty six pole to I a spanish oak by the
 said Branch thence down and with the said branch to the Be-
 ginning containing fifty Acres -
 Surveyed by John Maury S^r & F^r
 4 February 1796

At a Court held for Fauquier County the 22^d day of February 1796
 This Division and allotment of Dower were returned and
 Ordered to be recorded.

Teste J. Brooke C^l

Examined

Copy of
the Deed

Then Indenture made the twentieth day of August in the third Year of the
Reign of our Sovereign Lord George by the Grace of God of Great Britain King
King defender of the faith &c. in the Year of our Lord God 1779 Between John
Fishbach, John Hoffman & Jacob Holtzelaw of the Parish of Over Wharton in the
County of Stafford of the one part and Mary Spilman of the said Parish County
of the other Part Witnesseth that the said John Fishbach, John Hoffman & Jacob
Holtzelaw for divers good causes them therein moving but more Especially for
Consideration that the said Mary Spilman hath formerly paid her proportionable
part of the composition dues unto & charges in taking up the greater Tracts of Land
whereof this hereafter mentioned is a part have by these Presents demised granted
let & sold and by these Presents do demise, grant let & sell unto the
said Mary Spilman her heirs Executors, Admins and Assigns one certain &c.
Messuages or Tenement of Land whereon the said Mary Spilman now dwells
situate lying & being on Lichingum in the Parish & County aforesaid being
part of a larger Tract of Land formerly granted unto the said John Fishbach
John Hoffman & Jacob Holtzelaw from the Proprietors Office bearing date
the twenty second day of August in the Year of our Lord One thousand
seven hundred and twenty four Her bounds as followeth vizt Beginning
at a Stone joining the Land of John Fishbach extending along the
Fishbachs line to another stone standing in the old line of the patent
thence running along to two white Oaks marked with X thence along the line
of the said Fishbachs to another knot to two white Oaks marked with X about
third of a mile from the Lane of Cole Carter thence along Cole Carters line to the
first beginning being by Estimation One hundred Acres to the same More
or less To have and to hold the said one hundred Acres of Land and
Premises with their & every of their Appurtenances together with Houses
Outhouses Gardens fences Pastures Meadows, Warps, Marshes, ways, Water
Watercourses & all other emoluments to the said Demisee and her heirs &c.
in any way appertaining for and during the full term of Ninety
Nine Years from the date of these Presents The said Mary Spilman her heirs
&c. Admrs or Assigns yielding and paying yearly at the feast of St. Michael
the next after unto the said John Fishbach John Hoffman & Jacob Holtzelaw
their Exrs Admrs or Assigns one year of Indian Corn if Demanded and
also 10 pence yearly to the Lord or Lord of the fee or fees of the Premises all such
Rents & fees which shall become due accustomed to be paid The said John
Fishbach John Hoffman & Jacob Holtzelaw for them selves their heirs &c.
Admrs do Covenant and Agree to give with the said Mary Spilman her heirs
&c. Admrs Agree by virtue of these Presents that the said Mary
Spilman her heirs &c. Admrs shall & may from time to time at all
times hereafter during the term of Ninety Nine Years Peaceably &
Quietly have hold occupy enjoy the said One hundred Acres of Land &c. Premises
with their & every of their Appurtenances without any let trouble or molestation

or Interrupted

near by

John

on Interruptions of the ^d John Fishback, John Hoffmann, Jacob Holtzclaw
 their heirs & ^d Adam^r or any other Person or Persons whatsoever claiming or
 to Claim by or under them or any or either of them, And the said John Fishback
 John Hoffmann, Jacob Holtzclaw for themselves their heirs & Executors ^d do
 further for^r agree to and with the ^d Mary Spilman her heirs & ^d Adam^r assign
 that if the said Mary Spilman her heirs & ^d Adam^r shall at the Expiration of
 this Lease a New Lease for the ^d Term of Ninety Nine Years or do Oblige ourselves
 our heirs & ^d Adam^r upon payment of Ten shillings Lawfull Money of Great
 Britain to grant another Lease if required, no Person was required or to travel
 Sixty Miles from their Abodes to Person or the same In Witness whereof the
 Parties to these Indentures have Interchangeably set their hands and Seals
 the Day & Year above Written
 Signed Sealed & Delivered
 in the Presence of us
 John Fishback
 John Hoffmann
 Jacob Holtzclaw

John Kemper Joseph Martin French Reading

Sheweth that for Stafford County the thirtieth day of August 1729
 John Fishback, John Hoffmann, Jacob Holtzclaw Acknowledged this Lease for
 Ninety Nine Years to Mary Spilman & Catharine the wife of Jacob Holtzclaw
 Relinquished her right of Power to the said and therein mentioned which was
 her Motion is Ordered to be Recorded

Copy Test Wm Tyler Esq.

(Attesty) (Seal) (Clerk)

A Court continued held for Fauquier County the 27th day of June 1761
 John Spilman an Infant under the Age of Twenty one Year
 by Alice Backley his next Friend & Elizabeth Spilman his
 ag. } In Chancery
 Mary Gent

On the Motion of the Def. Time is allowed her till the next Court to answer the
 Pl^{ts} Bill of Complaint

A Court continued held for Fauquier County the 28th day of August 1761

John Spilman } In Chancery
 ag. }
 Mary Gent

Continued till the next Court for the Def. to answer the Pl^{ts} Bill of Complaint

The Answer of Mary Gent Defendant to the Bill of Rev^r of John
 Spilman an Infant under the Age of Twenty one Year by Alice
 Backley his next friend & Elizabeth Spilman Widow & Rel^{ts} of Jacob
 Spilman Dec^r Complainants

This def. waiving to her self all advantage of Exception to the many
 uncertainties & untruths in the said Bill contained for answer she answers
 unto so much thereof as she is advised is material to her Answer unto the
 Answering & saith that she admitted to believe that there was an entry
 of Survey made by the several Germans the Bill mentioned who
 were to be at Equal Expence in procuring a Patent which was to give in
 the names

The Names of Jacob Holzclaw, John Hoffmann & John Fickelbach
who were to convey to all the Partners their several Shares of the said
Land according to their respective Proportions of the Expence, that before
such conveyance was made this Defendant her husband Jacob Spilman died
without having paid his Proportion of the Expences, & had made very
little Improvements on the said Land, being in very Indigent circum-
stances leaving five small Children & this Def. big with a sixth of which
was afterwards delivered, that solely her industry brought up the said
Children, clothed, maintained & schooled them, this Def. admits that
her share of the said Land might at first have been one hundred & fifty
Acres but that the overall Germans had agreed to appropriate a certain
quantity of Land for the use of a Minister in doing of which they took her
Acres parcel of the said one hundred & fifty Acres & paid that off in such a
manner as to render forty Acres of their parcel of the said Land inconvenient
whereupon one of the Trustees advised this Def. to part with it for a
Deed for the use of her family which she accordingly consented to but never
had any title made her for it having ^{now} her Dead in her custody to which
she refers & prays it may be received as part of her answer, by which it
appears that she had only one hundred Acres of Land conveyed to her & that
she paid the Expences of obtaining a Title thereto, And if the Complainants
think they have any title to the said fifty Acres let them report to the Persons in
possession thereof for this Def. humbly hopes that their title to the said
hundred Acres of Land will remain unimpeached as well for that it appears
by her Dead that she paid a valuable Consideration for it as also for that she
maintained & brought up six Children which was left by her first husband
& furthermore as she hath been at the Expence of making all the improve-
ments on the said Land she thinks it just & equitable that she should have
the Quiet enjoyment thereof and have it in her power to dispose of it as
she thinks proper, tho' she denies that she ever designs to sell or part with
it during her life unless compelled by Poverty & Old Age & if she never
makes any disposition of it, the Complainant will be her heir & will
inherit the Land after her death, she admits her Intermarriage with a
second husband named George Gerd by whom she had two Children &
that he has been absent from her upwards of seven years & she prays
that this Def. may be allowed to believe the Complainant John
Spilman hath little hand in carrying on this suit but that it is chiefly
carried on by the said Elizabeth who has procured her two Brothers to live
with her & keep & destroy the said Land without any regard to
improving it, This Def. denies all Combination in the Bill charged
& humbly prays to be hence Dismissed with her reasonable Costs &
charges in this behalf most Wrongfully sustained without Damages.

Mary Gerd

Fauquier Court May 28th 1762 came Mary Gent before me & made oath
to the truth of this her Answer in Chancery sent Darnall

A Court Continued & held for Fauquier County the 29th day of May 1762

John Spilman }
as } In Chancery
Mary Gent }
Def^t

Continued till the next Court for the Def^t reply to the Def^t Answer

A Court Continued & held for Fauquier County the 23rd day of June 1762

John Spilman & others }
as } In Chancery
Mary Gent }
Def^t

Continued till the next Court for the Def^t reply to the Def^t Answer

A Court Continued & held for Fauquier County the 23rd day July 1762

John Spilman & others }
as } In Chancery
Mary Gent }
Def^t

The Def^t filed their Replication to the Def^t Answer & the cause is
set for hearing at the next Court

Replication Fauquier Court The joint replication of John Spilman an Infant under
the age of Twenty one years by Alice Leach by his next friend Elizabeth
Spilman Widow & Relict of Jacob Spilman def^t to the Answer of Mary Gent
& And the said replicants shew by his said husband Elizabeth Spilman
waiving to them self in all advantages & exceptions to the uncertainties
ambiguities & insufficiencies of the Def^t said Answer for replication thereunto
say that all & singular the matters & things in the replicants said Bill
contained are true as the same are therein Alleged & that the Answer
of the said Def^t to the said Bill is very untrue imperfect & insufficient to
be replied unto and the said replicants already to aver and shew &
prove the same as the honorable Court shall award & humbly pray as
by their said Bill they have already prayed

And Depositions By Virtue of a Commission Issuing out of the Hon^{ble} full Court of Fauquier
County dated the 29th day of October 1759 to us Directed to take the Depositions of
Silman Weaver Hansman Fishback & Peter West We have proceeded to take the
Depositions of the said Silman Weaver Hansman Fishback & Peter West who
being all of full age & sworn on the holy Evangelist & solemnly God do depose
& say that the Land now in Dispute between Jacob Spilman Def^t &
Mary Gent Def^t is part of a Tract of Land taken up by a Parcel of Germans
about thirty one years since, of which parcel of Germans, John Spilman
Father to the Def^t was a party & the said Germans not being all dead
it was agreed on by the General Consent of the Parties that this Patent
for the said ^{parcel of} Land should be granted by the Proprietors Agent to three
those

There were Germans in Trust (to wit) John Hoffman, John Fischbach &
 Jacob Holtzclaw who by Agreement was to divide the said Tract equally
 by Lot among all the Parties concerned in taking up the same, and that
 the said Trustee was by Agreement to Acknowledge to each man his
 his part of the said Tract as fell to him by Lot to his Satisfaction. And
 these deponents further saith that John Spilman father to the said
 paid his full proportion in taking up & dividing the said Tract. And
 the same now in Dispute between the said D^{ts} & J^r fell to the Lot of the said
 John Spilman father to the said D^{ts} in the Partition of the above & Tract
 and that the said John Spilman lived on & held the said Lot as his property
 during his life but dying before the said Lot of Land was acknowledged
 the right of the same was passed to Mary Gent Defend^t who was then
 Widow to the said John Spilman & Mother to the said D^{ts}. And these Deponents
 further saith that there is one other Lot of Land of fifty Acres or thereabouts
 now in dispute Between the said D^{ts} & J^r being part of the said Tract which
 fell by Lot in the above & Partition to the said John Spilman, the right
 of which was never passed to the said John Spilman or the present
 Def^t Mary Gent which said due mentioned Lot the said D^{ts} sold her right
 of to Jacob Rector and farther these Deponents saith not

Taken the 19th day of
 October before us

Wm Blackwell

Thom Marshall

Tilman Weaver

Harman Fishback

Peter West

At Court Continued & held for Kauquar County the 27th day of August 1767

John Spilman an Infant under the Age of
 Twenty one Years by Elizabeth his next friend
 & Elizabeth Spilman Widow & Relict of
 Jacob Spilman dec'd

ag
 Mary Gent

Def^t

In Chancery

This cause was this day Heard upon the Bill Answer & the Depositions
 taken & returned & the Arguments of the Counsel on both sides on consideration
 whereof it is Decreed & Ordered that the Injunction obtained by the D^{ts} to
 stay the Execution of the Judgement in Law obtained by the D^{ts} against
 the Def^t Elizabeth be made null & void & that the said D^{ts} do make a good
 and sufficient Due to the said John Spilman for the Land in the Bill mentioned
 only receiving fifty Acres part thereof to the D^{ts} during his life & to further as
 Decreed & Ordered that Thomas Marshall & Samuel Darnall Gent^{les}
 do divide the said Land & assign the D^{ts} their part thereof and that the
 D^{ts} pay unto the D^{ts} their costs by them in this behalf expended

Recorded

Tauquier St. James brocket being of full age and sworn deposeseth and saith that being employed by James Stevenson to build the House the said Stevenson now lives in on the Land now in dispute between the said Stephenson and John Stone that John Stone came on the Land now in dispute and shewed this Deponent where to build the abovesaid House which was built accordingly on the place he directed where the said House now stands and this Deponent further saith that the said John Stone (one of the contending Parties) shewed this Deponent the line between the Tract of Land he now lives on and the Land taken up by William Keirnes which is the line in the Platt and further this Deponent saith not
Taken by consent of Parties by Tho. Marshall } James brocket

Tauquier St. Tharmar Holtzclaw of full age and sworn deposeseth and saith that he being present at the time James brocket came to build the House which James Stevenson now lives in on the Land now in dispute between John Stone and the said James Stevenson and the said John Stone shewed the said Stevenson in company with this Deponent and the said brocket the place where to build the abovesaid House which now stands in the place that was then shewn by the said Stone and this Deponent further saith that the said Stone (one of the contending Parties) came to the line in the Platt and said to the said Stevenson "Parrie this is the line between you and I and if there should be a Tree cut down on either side there shall be no suing between us, if you cut one of mine I will cut two of yours" and this Deponent further saith that at the raising of the said House the abovesaid John Stone was present and assisted in the Work and that Thomas Stone Father to the said John was present and made no objections to it, but this Deponent saith in the said Thomas Stone had been speechless for sometime and was not able as he believes at that time to speak

Taken on the Oath of Parties } Tharmar Holtzclaw
by consent of Parties }
before Tho. Marshall }

David Darnall being of full age and sworn at Casticory deposeseth & saith that he was present and carried the chain at the time Thomas Stone Father to John Stone took up the Land part of which is the Land now in dispute between the abovesaid John Stone and James Stevenson and that the Casticory at C in the Platt was marked for a corner of the said Thomas Stones Land this Deponent doth not well remember by whom it was marked but believes it was

done

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done by his Father Morgan Darnall, and this Deponent further saith that the Distance in a straight line from the white oak in the plot to C the said Hickory was not run by the surveyor & protracted after running several courses which the said surveyor said he would reduce to a straight line and this Deponent further saith that at the said Hickory at C there arose a dispute between the Pilot Capt. William Russell and Mr. Thomas Hooper the said surveyor saying he thought the said Hickory stood in Carters Land the Pilot saying otherwise the surveyor after some discourse acknowledged he was mistaken and from then followed the Pilot to the next corner at D which line was not measured but to be protracted by the surveyor. At D marked a Spanish Oak and Hickory at the Mouth of a branch on Licking Run the above said David Darnall being again sworn deposed and saith that near the above said Spanish Oak and Hickory at D there stood a marked Hickory which was the corner mentioned in the above Deposition which said Hickory by the Pilots directions was to be a corner to the said Stones Land and protracted as such by a straight line which was not measured or marked and this Deponent further saith he well remembers the corners at C & D & that from the last mentioned corner at D the surveyor and ~~with~~ with the others proceeded with the survey towards C and further saith not

Taken both parties being present before me

David Darnell

Thos. Marshall

Sign
Jury
Report
One
Tauxier for In Obedience to the Sheriffs summon we the Jury have attended the survey ordered by the Worshipful Court of Tauxier County between John Stone Pl. and James Stevenson Def. and in compliance with the said Order the Surveyor of this County having attended and laid off the Land in dispute in our presence to the satisfaction of each Party we have viewed the Land in dispute between the said Pl. and Defendant and on our oaths do adjudge the Damages done by the said Stevenson to the said Stone by cutting down and tending the said Land in case the same is adjudged to be a Trespas on the said Stone to be twenty shillings currency and no more. Witness our Hands and Seals this

Day of November 1759

Jesse Darnell	L.S.	Henry Ramper	L.S.	Tilman Weaver	L.S.
Aug ^{his} Jennings	L.S.	John Morgan	L.S.	Timothy Readings	L.S.
Parish ^{his} & Garner	L.S.	Rob ^{his} RH. Menon	L.S.	Henry Utterback	L.S.
Charles ^{his} Garner	L.S.	James Garner	L.S.	Henry Bramble	L.S.

At about held for Fauquier County the 21st Day of August 1760
This Day came the parties by their attorneys and thereupon came
also a Jury to wit Samuel Porter David Barton Timothy Campbells
Robert Bolt Thomas Mitchell John Duncan Jun^r Bailey
Johnson Harman Ramper George Berry Henry Maury
Robert Ashby and Thomas Garner Jun^r who being elect
tried and sworn the Truth to speak upon the Issue joined
upon their Oaths do say that the Defendant is not guilty
as by pleading he hath alledged Therefore it is considered
by the Court that the Plaintiff take nothing by his Bill
but for his false clamours be in Mercy &c and that the
Defendant go thereof without Day and recover against
the Defor of the Pl^t his costs by him about his Suit in
this behalf expended.

To the worshipfulles Majesty's Justice of the County Court of Fauquier
willing in Chancery
Humbly complaining sheweth unto your Honors your Orator John
Spelman an Infant under the age of twenty one years by Alice Kachley
his next friend & Elizabeth Spelman that his mother your Orator's Father Jacob
Spelman was Impleaded by the s^d Harbert in a writ of Ejectment for the Land
now in dispute & the s^d Jacob Spelman in his lifetime moved his Request full
Court for a writ of Injunction that the s^d Harbert should not proceed any farther
in the suit at Common Law until the matter in Equity should be Determined
it was granted unto the s^d Jacob Spelman by this Honorable Court Your Orator
further sheweth unto your Honors that your Orator's Father Jacob Spelman came
time in the year of our Lord 1717 Jacob Holtzclaw John Hoffman John Kistbach
Peter Hess Harman Kistbach Tilman Weaver your Orator's Grandfather John
Spelman & several other Germans made an Entry of a large tract of Land now
lying & being situated in this County known by the name of the German Town
& the s^d Germans came to an Agreement with each other that they should
all be at Equal Expence & that the whole Land should be Divided equally
amongst all the Partners by 200 but all the Partners were Germans born
beyond Sea out of the Allegiance of our Sovereign Lord the King none of them

had never been Naturalized or created Denizens except John Hoffman
Fishback & Jacob Holtzelaw it was unanimously agreed by all the ^{of} ~~the~~
that the Patent for the said Land should be taken out in the Names of the
John Hoffman, John Fishback & Jacob Holtzelaw & that the ^{of} ~~the~~ Patent
should make Over to each of the said Partners & that there a Lease for Ninety
nine years for the Part of the ^{of} ~~the~~ Tract of Land respectively allotted to him
and at the expiration of the said Term the ^{of} ~~the~~ Parties were to renew the
Lease Your Orator further sheweth that in pursuance of the said Lease
The ^{of} ~~the~~ John Hoffman, John Fishback & Jacob Holtzelaw did in the Year
our Lord 1724 take out a Patent for the said Tract of Land in their Own
& Your Orators ^{of} ~~the~~ and father paid his full proportion of the Expence of
Entering & Patenting the ^{of} ~~the~~ Lands had one hundred Fifty acres allotted to him
according to the Agreement, into which he entered & continued in possession
till his Death which happened some time in the year 17 before the said
Patenters had time to make a Conveyance of the said Land to him & to his
Your Orator further sheweth that this ^{of} ~~the~~ Father did intestate leaving your
Orator his eldest son & heir at law being a Natural born Subject, born in
this Colony & Mary his Widow the Defendant therein after named, Your
Orator further sheweth that after the death of his ^{of} ~~the~~ Grand father, the
John Fishback, John Hoffman & Jacob Holtzelaw being strangers to the
Language & Laws of this Colony did make a lease for Ninety nine years
your Orators ^{of} ~~the~~ Mother the ^{of} ~~the~~ Mary & her heirs, the ^{of} ~~the~~ Mary being then
a Widow & your Orator an Infant of a very tender age, the ^{of} ~~the~~ John Fishback
John Hoffman & Jacob Holtzelaw imagining that the same would be
effectual to convey the said Lands to your Orator as heir at law of the
Jacob Fishback your Orator further sheweth that his said Mother
intended with a certain Gent some time in the year of our Lord
by whom she hath had several Children which you and her
Afflictions from your Orator that she not only sold fifty Acres of the ^{of} ~~the~~ same
to a certain but now threatens to bestow the (Residue) of
the said upon her Children by the ^{of} ~~the~~ Gent, Your Orator further sheweth
that the ^{of} ~~the~~ Mary Gent is settled upon one part of the said one hundred Acres
now remaining since the sale of the ^{of} ~~the~~ Fifty Acres & your Orator is in
possession of the other part of the said one hundred that the ^{of} ~~the~~
Gent the ^{of} ~~the~~ Mary's second husband has been run away from this Colony
partly by one Seas a considerable time & hath not been heard for upwards of
seven years & is supposed dead, Your Orator further sheweth that the ^{of} ~~the~~ Dist.
Mary not contented with the fifty Acres of the ^{of} ~~the~~ Land she hath sold as afore
said with the half of the remaining hundred Acres of which she is now in
possession but combining & confederating with divers persons so
Orator unknown who when discovered your Orator prays may be
parties to this ^{of} ~~the~~ Bill of Complaint with proper Right words to Charge
them

Then how to defeat, harass & grieve, your Orator, hath actually
brought an Ejectment in this Worshipfull Court against your Orator for
the small part of the said one hundred Acres of Land, which your Orator is in
Possession of & threatens to turn him out of Possession, & to give the said Land
to her children only her second husband the said Gent, All which actions
& doings of the said Mary are contrary to Equity & good Conscience & tend to
the manifest Wrong, Injury & Oppression of your Orator In tender considera-
tion whereof & for as much as your Orator is remediless in the Premises
by the strictness of Common Law & only & Directly relievable in the Court
of Equity, To the end therefore that the said Mary Gent may upon her corporal
Oath full true & perfect Answer to all and singular the Premises herein
before set forth and expressed as fully & distinctly as if the same were here
again repeated & interrogated & more especially that she may set forth &
discover in a more express & special manner whether Jacob Holzelaw
John Hoffman, John Fishback, your Orators father & any other
Germans did not about the time in Bill made an Entry of a large Tract
of Land known by the Name of the German Town, did not the said several
Persons come to an agreement with each other to be at equal expense, & was
not the whole Land to be equally divided among all the Partners by Lot.
& were not all the said Partners Germans, had any of them ever been Naturalized
or created Denizens Except the said Holzelaw, Hoffman & Fishback, was it not
agreed by all the said Partners that the Patents for the said Land should be taken
out in the names of the said Holzelaw, Hoffman & Fishback, & that the said Patentees
should make over to each of the said Partners & their heirs a Lease for Ninety nine
Years for the part of the said Tract respectively allotted to him & at the Expiration
of the said Term should renew the said Lease, did not the said Holzelaw, Hoffman
& Fishback in the year 1724 or at other times take out Patents for the said
Tract of Land in their own Names, did not your Orators father pay his full
Proportion of the Expense of Entering & Patenting the said Land, had he not
one hundred & fifty Acres of the said Land allotted to him according to the said
Agreement & did he not enter & continue the Possession thereof until his
Death, did he not die about the time in the Bill or when did he die, did he not
die before the said Patentees had time to convey the said Land to him, his heirs
did he not die intestate & is not your Orator his eldest son & his natural &
a Natural born Subject born within this Colony, did not the said Holzelaw
Hoffman & Fishback after the death of his Orators father being strangers
to the Laws & Language of this Colony make a Lease for Ninety nine Years

To your Orators Mother the ^d Mary & Spelman & her heirs? was not the ^d Mary
then a Widow & your Orator an Infant, did not the ^d Holzelaw, Piffman &
Fidheach the same would be Effectual to convey the ^d Land to your Orator as
him at Law to his ^d Father? did not the ^d Mary your Orators Mother
intermarry with the ^d Gent about the time in the Bill & hath he not had
several Children by him, hath she not sold fifty Acres of the ^d Land to the
^d in Bill or to whom hath she sold the same, does he not
the Orator to bestow the residue of the ^d Land upon her Children by the ^d Gent
is not the ^d Mary Gent settled upon one part of the remaining one hundred
Acres & your Orator on the other part is not the ^d Gent run away from
this Colony, & whether did he leave this Colony, & when did she last hear of him?
is he not supposed to be Dead? hath not the ^d Mary brought an Ejectment in this
Worshipful Court against your Orator for the small part of the ^d one hundred
Acres in your Orators Possession? what is her reason for so doing, & that the ^d
Mary may by Decree of this Worshipful Court be enjoined from prosecuting her
Ejectment against your Orator and may be compelled to convey to your Orator
the ^d Land for Ninety nine years to him & his heirs & to grant to your Orator
such further & other Relief in the Premises as is agreeable to Equity & good
Conscience, may it Please your Honors to grant your Orator his Honors
Most Gracious Writ of Injunction to be Directed to the ^d Mary Gent thereby
Commanding her at a certain day & under a certain pain to appear before
your Honors in this Worshipful Court & not to proceed in the Ejectment
or until till the matter in Equity is Determined before your Honors
And for that Purpose Process of Subpoena was awarded ag^t the ^d Mary Gent
to Answer the said Injunction Bill which Process being served & before the said
Mary Gent could answer the said Bill the as^t Jacob Spelman departed this life
by means whereof the said Bill abated & the Ejectment at Common Law And
for as much as the said Injunction Bill is abated as a^t and to the end the
said Injunction & all Orders & Proceedings therein may stand & be revised
ag^t the said Mary Gent & be put in the same state & Condition as the same were
at the time they became abated, May it please your Honors the Premises
be considered to grant unto your Orator his Son & Widow whole son & heir of the said
Jacob Spelman his Honors most Gracious Writ of Subpoena & Revivendum
Issuing out of this Worshipful Court to be Directed to the said Mary Gent therein
and thereby requiring her personally to be and appear before your Worshipful
Court then & there to shew Cause if she can why the said Suits, Orders &
Proceedings abated as a^t should not stand, be revised & put into the same
Condition as they were in at the time of the abatement and Answer all &
singular the Premises ag^t & also to stand to & abide by such further Order &
Decree therein as your Honors shall think meet &c.

And your Orator shall ever pray &c.

Made for the Com^{pt}

Tauques Court Thomas Seckright complainant of Ferdinando Dreadsought
in the 26th Day of May 1759 that whereas John Stone on the 26th Day of May in
the thirty second Year of the Reign of our sovereign Lord King George the
second at Hamilton Parish in the County aforesaid had demised granted
and to farm let unto the said Thomas one Mesuage and fifty Eight Acres
of Land situate in the Parish and County aforesaid To have and to
hold the Tenement aforesaid with the Appurtenances unto the said
Thomas and to his Assigns from the thirtieth day of Apr. then
last past for and during and unto the full end and term of ten Years
from thence next ensuing and fully to be compleat and ended by
virtues of which said demise the said Thomas into the Tenement
aforesaid with the Appurtenances entered and was thereof possessed
until the said Ferdinando afterwards to wit the said Day of
May in the Year aforesaid at the Parish and County aforesaid
with force and Arms into the Tenement aforesaid with the
Appurtenances in and upon the possession of the said Thomas
entered and the said Thomas from his Farm aforesaid his Term
aforesaid not then nor yet ended ejected expelled and amoved
and the said Thomas so ejected expelled and amoved from his
possession thereof held out and still doth hold out and other
harms wrongs and enormities to him then and there did
against the Peace of our said Lord the King and to the Damage
of the said Thomas one hundred pounds and thereupon he
brings Suit &c

Wellbery for pl. } Pledges by
R.R.

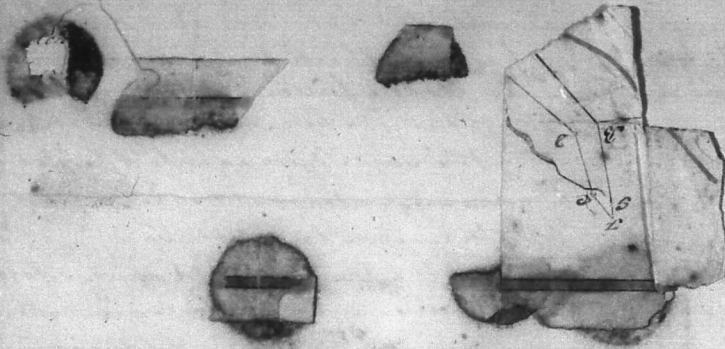
You may perceive by the above declaration in Eccellent that I have
used for the Premises or some part thereof to which I have no Title
If therefore you claim any thereto and intend to defend it you
must appear at the next Court to be held for this County on the
fourth Thursday in this Instant and make your defence or
suffer Judgment to pass against me by default and you will be
turned out of Possession

Ferdinando Dreadsought
July 2. 1759.

To Mr James Stinson Tenant
in Possession of the Premises
or some part thereof }

At a Court held for Tauques County the 26th Day of July 1759
James Stephenson on his Motion is admitted Defendant in this Suit
the room of the said Dreadsought and thereupon by Thompson
his Attorney he pleads the general Issue confesses the Lease entry
muster in the declaration supposed and agrees to insist on the
only on Trial And by consent of the Parties It is ordered that
the Surveyor of this County in company with a Jury do meet on the

104 for lands in dispute on the Day of next if fair if not the
 fair day and survey and lay off the same as either party shall
 and return five fair plats and reports thereof to the Court and
 the sheriff attend the said Survey and remove force if any be
 offered.



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