

when he was conceaued a freind to his Lordships interest & before his actuall Rebellion w<sup>ch</sup> was not before the yeare 1655, & also at a time when the said Marsh had taken an oath of Fidelitye to his Lordship though not that Oath by his Lordships Condiçōns of plantacōn then required in contemplation of w<sup>ch</sup> he did really beleeeue the said marsh might then at the time of the passeing his bill of sale to the said Manning haue had a pattent for the said Land if had sued for itt. Liber H. H.

Wherevpon the board Considered that Notwithstanding the Oath by the said Marsh alleadged to be taken might perhaps haue induced the then officers to haue Granted a pattent to the said Marsh Yett that that Oath in truth not being the Oath w<sup>ch</sup> could intitule any man to land by vertue of his Lordships condicōns of Plantacōn & being vtterly reiected by his Lordship vpon notice Given him of itt & the true oath expressly enioyned to be taken by all before any pattents of land should passe to them respectively; the Heires Executors or Administrators of Marsh seemed to be obliged to make themselues capeable of the Condiçōns of Plantacōn by takeing the engagement according to Articles & Act of Assembly before the said Manning can haue any Grant of the said land & that the Rather because the said Marsh after Oath so taken (w<sup>ch</sup> might haue induced the Officers to haue passed a Grant in his Lordships name to him the said Marsh) had neglected to take out his Grant within a yeare as by his Lordships Condiçōns of plantacōn is required. Yett this being a leading Case to many others of the like nature, & the Heire to Marsh being nowe & euer since the Articles were made by w<sup>ch</sup> the Engagement is imposed) absent out of the Province & the case depending also vpon his Lordships pleasure p. 36

Resolved

That the further debate of this businesse be putt of till the first letters be receaued from his Lordship and that then Thomas Manning Gent: be heard and that in the meane time no thing be admitted to the preiudice of the title of the said Manning.

At a Councell held at S<sup>t</sup> Marys 23<sup>o</sup> Februarij 1658.

Present	The Governor	} M <sup>r</sup> Luke Barber		
	The Secretary		} M <sup>r</sup> Robert Clarke	
	Cap: W <sup>m</sup> Stone			} M <sup>r</sup> Baker Brooke
	M <sup>r</sup> Job Chandlor			

The Case of Thomas Manning Gent: was moued, & the said Manning nor any for him appearing it is referred to the next councell.