


397) Sept. 14th 1753. Came before me the Subscriber one of his Lordships Justices
of the Provincial Court Beale Nicholson and Acknowledged the within
Instrument of Writing to be his Act and Deed and the Land and Premises
therein mentioned to be the Right and Estate of the within named Samuel
Nicholson, Benjamin Nicholson and Joseph Nicholson their Heirs and Assigns
according to the true intent and meaning of the within Deed and the Act of
Assembly in such Cases made and provided John Hepburn

4526 Recorded Sept. 12th 1753.


Ex^{do} This Indenture made this fourteenth day of September in the Year of our Lord
One Thousand Seven hundred and fifty three Between Joseph Smith the Elder of Calvert
County Planter of the one part and Joseph Smith the Younger one of the Sons of the said
Joseph Smith the Elder of Calvert County Planter of the other part Whereas for Barring
Docketing and Cutting of all Estates Tail of in and to Two hundred and fifty Acres of
Plantable Land lying with the Appurtenances in Calvert County the said Two hundred
and fifty Acres being part of a Tract or Parcel of Land called Gough's Purchase and
also One hundred and fifty Acres of Plantable Land with the Appurtenances lying in
Calvert County being part of a Tract or Parcel of Land called Smith's Chance. And also
Fifty Acres of Plantable Land lying with the Appurtenances in Calvert County being
part of a Tract ^{in parcel} of Land called Mardike the said Joseph Smith the Younger at the request
and by and with the Priority Approbation and Consent of the said Joseph Smith the Elder
did sue forth and prosecute a certain Writ of Entry Sur Disseisin en le Post returnable
before the Justices of the Provincial Court at Annapolis on the Second Tuesday of
September in the Year of our Lord One Thousand seven hundred and fifty three against
the aforesaid Joseph Smith the Elder then and for a long time before in Possession of
the Premises unto and upon which said Entry so prosecuted and sued forth the said
Joseph Smith the Elder appeared gratis and Vouched to Warranty the Common Vouches
who likewise appeared and Imparled and afterwards made default and departed in
Contempt of the said Court so that Judgment was had thereupon for the said Joseph
Smith the Younger against the said Joseph Smith the Elder to recover the Premises
against the said Joseph Smith the Elder and for the said Joseph Smith the Elder to
recover in Value against the Common Vouches and thereupon one perfect Recovery
with single Voucher was had and suffered according to the Course of Common Recoverys
in such Cases used as by relation being had to the Proceedings of the Provincial
Court among the Records of the said Court remaining may more fully appear
And Whereas it was the Intent end and Purpose of the said Recovery to settle
the Premises in the manner following to wit All that Parcel of Land being the
now Dwelling Habitation of the aforesaid Joseph Smith the Younger Beginning
where Ephraim Goores line crosses the Gravelly Spring Branch so running

(up)