

At a Councell held at } Present { The Governor
Matapazient 3^d Decembris } { The Secretary
{ Col. John Price. }

It was moved on the behalfe of Thomas Manning Gent^r then absent that the said Manning had bought a parcell of land lying upon the Riffes of Thomas Marsh late of the County of Anstruadell Merchant as by Bill of sale under the hand of the said Marsh bearing date 17th Octobris relation herunto being had doth appeare. That the said land was never yett Patented, & that the Secretary Refused to grant any patent for the said land because the said Marsh dyed in actual Rebellion against his Lordship & that no heire executor or administrator of the said Marsh had as yett or for ought could be perceived who would make them selves capable of the late Article of Agreement by w^{ch} only he the said Secretary conceived the said Marsh or any claimeing under him could have any just portence or title to any Grant or Patent for land. And the Secretary informed the board in favor of the purchase that the said Marsh had sold the said land at a time when he was conceived a friend to his Lordships interest & before his actual Rebellion w^{ch} was not before the year 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 Conditions of plantation then required in contemplation of w^{ch} he did really beleave the said Marsh might then at the time of the passing his bill of sale to the said Manning have had a patent for the said Land if he had sued for itt.

Whereupon the board considered that notwithstanding the oath by the said Marsh alleadged to be taken might perhaps have induced the then officers to have granted a patent to the said Marsh yett that that oath in truth not being the oath w^{ch} would intitle any man to land by vertue of his Lordships Conditions of Plantation & being utterly rejected by his Lordship upon notice given him of itt & the true oath expressly enjoyned to be taken by all before any patents of land should passe to them respectively; the Heires Executors or Administrators of Marsh seemed to be obliged to make them selves capable of the Conditions of Plantation by taking the engagement according to Articles & Act of Assembly before the said Manning can have any Grant of the said land & that the rather because the said Marsh after oath so taken w^{ch} might have induced the Officers to have passed a Grant in his Lordships name to him the said Marsh had neglected to take out his Grant within a year as by his Lordships Conditions of plantation is required. Yett this being a leading case to many others of the like nature, & the Heire to Marsh being none & ever since

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