that the call to Petticoats Loose was entered on the books of said Calder and that James Hall was a deputy under Calder and made the survey of Singerys Trouting streams by the direction of said Calder. — sworn to before me this 17th day of October 1798. — James Mackubin

Which being read and heard and on the prayer of the said Christian Singery by his attornies aforesaid and the suggestion aforesaid being sufficiently proved to the court here according to the form of the act of assembly in such case made and provided the same are granted him. Whereupon the aforesaid John Goodtitle lessee of the aforesaid Ezekiel Boring and the said Christian Singery by their attornies aforesaid pray the same commissions be directed to Caleb Brown, Evan Lloyd, Richard Wood and Jacob Winters Gentlemen of Mason county in the state of Kentucky or any three or two of them to examine Vca returnable to the court here with all convenient speed Vca and to Shadrack Bond Senior, Shadrack Bond Junior, Nicodemus Bond and Michael Squires Gentlemen of the Northwestern Territory or any three or two of them to examine Vca returnable also to the court here with all convenient speed Vca and the same commissions are issued accordingly. It is to be understood if the commissions are not executed and returned to next term that the granting the commissions will not be a legal cause for continuing the action at the instance of Defendant. —

Thereupon further process of and upon the premises aforesaid between the parties aforesaid by consent of the said parties and their attornies aforesaid and by order of the court here thereon is further continued untill the said second tuesday of may next. — At which said second tuesday of may being the fourteenth day of the same month in the year of our Lord one thousand seven hundred and ninety nine comes again into the General court here as well the aforesaid John Goodtitle lessee of the aforesaid Ezekiel Boring by his attornies aforesaid as the said Christian Singery by his attornies aforesaid. and the said Sheriff and Surveyor of the county aforesaid to whom the said platts and certificates were delivered to be amended return the same to the court here as amended. Thereupon the said Christian Singery by his attornies aforesaid takes defence for all that part of Borings Habitation Rock which is included in Singerys Trouting stream according to the Defendants location thereof. and this cause standing ready for trial. therefore let a Jury thereon appear before the court here immediately by whom and so forth and whomever and so forth. to recognize and so forth. because as well and so forth. whereing called come that is to say Benjamin Lancaster Jacob Green. Abraham Haff. William Hillary. John Howard. William

Johnson of Jeremiah. Samuel Judson Coolidge. Daniel Hauer Senior Benjamin Murrow Nicholas Tice Samuel Elliott and Samuel Bayly were elected tried and sworn upon which for certain reasons as well to the court here as to the parties aforesaid appearing the said Samuel Bayly one of the Jurors of the Jury within written on the motion of the said Christian Singery by his attornies aforesaid to amend the platts returned in this cause from the pannell aforesaid is withdrawn by the court for the purpose of amending the platts and the rest of the Jurors of that Jury are wholly discharged from giving any verdict of and upon the premises within written, and because the said Christian Singery is not now ready for trial against the aforesaid John Goodtitle lessee of the aforesaid Ezekiel Boring in the plea aforesaid the aforesaid John Goodtitle lessee of the aforesaid Ezekiel Boring by his attornies aforesaid prays Judgment against the said Christian Singery for the costs and charges which he hath sustained laid out and expended about his suit in this behalf since the last continuance of the plea aforesaid therefore it is considered by the court here that the aforesaid Ezekiel Boring Lessee of the aforesaid John Goodtitle recover against the said Christian Singery as well the sum of ninety six dollars as the quantity of six hundred and ninety six pounds of Tobacco the costs and charges which he hath sustained laid out and expended in and about his suit in this behalf since the last continuance of the plea aforesaid. — and the aforesaid John Goodtitle lessee of the aforesaid Ezekiel Boring by his attornies aforesaid prays leave of the court here to take the deposition of William Goodwin and that the same may read in evidence on the trial of the issue aforesaid and it is granted him thereupon the aforesaid John Goodtitle lessee of the aforesaid Ezekiel Boring by his attornies aforesaid files in court here the following deposition, to wit, —

Ezekiel Borings Lessee against Christian Singery | Ejectment in the General court. —

Daniel Goodwin of Fayette county in the state of Pennsylvania being first duly sworn on the holy Evangels of Almighty God deposeth and saith that a commission purporting to have been executed on the 1st day of October 1798 and signed Alexander M'Cain George Tarnall and George Ebert and now shewn to the deponent and to which is annexed a deposition alledged to have been given by this deponent was executed in the manner herein after particularly related viz. That a certain Joshua Stevenson called on the deponent on the day on which the said commission was executed being as the deponent believes on monday the 1st day of October last before the meeting of the commissioners and after some conversation with the deponent retired that at the meeting