of the said commissioners the Interrogatories were produced and all the answers thereto were written and ready prepared that a bible was laid on the table and Alexander M'Clain one of the commissioners desired the deponent to lay his hand on his book which he read to the deponent the questions and answers that were prepared and now shewn to this deponent that the deponent objected to several of the answers as being of the knowledge of the deponent which he knew only from the information of others particularly to the 2.nd interrogatory; that in the answer to the 6.th Interrog.y the deponent declared the tree and a stump shewed to him by Christian Singery as the beginning of Petticoats Loose were between twenty and thirty perches but the deponent does not know they were the trees of Petticoats Loose nor were they ever shewn to this deponent as such to his recollection by any other person. This deponent further saith that his answer as stated to the tenth Interrogatory taken under the said commission is not correct that Mr. Calder did inform this deponent he was authorized by Mr. Jenkins to make surveys of land sold by the Commissioners but did not say he was ever authorized to execute any warrants by the states agent. This deponent further saith that at the execution of the said commission he particularly objected to that part of the answer to the eleventh Interrogatory which states that James Calder had convinced him the deponent that Singery would hold the land by the call to Petticoats Loose and that the said call was duly entered on his the said Calders book and thereupon the commissioners retired to consult on the manner in which to alter the said answer to the eleventh Interrogatory and this deponent was never sworn to the said answers nor again called to the book on the subject of the said Interrogatories and this deponent doth expressly declare that he never did and never would swear to the said answer as taken and returned to the said eleventh Interrogatory for this deponent doth declare that the said James Calder never did tell this deponent that Singery would hold the land which this deponent intended to take up under any call to Petticoats Loose or that such call was entered on said Calders book, on the contrary Mr. Calder informed the Deponent that Singery claimed some land in the neighbourhood and would probably caveat his the deponents certificates that if the deponent had not money to go to law he had better keep his warrant untill he could find land to lay it on clear of all dispute and that thereupon this deponent did decline [illegible] further on that land but laid his warrant at some

miles distance. The deponent further swears that the oath was never administered to him as to any of the answers to the Interrogatories; being asked by the Defendant if he knows why the words shewed and in the answers to the 11.th Interrogatory were erased; answers that he does not but that he objected to the whole answer, being asked if he ever told Joshua Stevenson that if Boring got the land that old Calder was a damned rascal, answers that he does not recollect but if any it was in respect of the land where he attempted to lay his warrant and not the land in dispute. being asked whether Alexander M'Clain one of the commissioners is an honest man and a man of truth, says that he is, that he has been the Surveyor of the county. — That this deponent thinks that the answers to the Interrogatories are in the hand writing of Joseph M'Clain; that this deponent cannot read the writing in which the answers to the Interrogatories are written. —

Sworn to before me this 23.d day May 1799. — James Mackubin

And this cause standing ready for trial the said Christian Singery by his attornies aforesaid suggests to the court here that he cannot safely proceed at this term to the trial of this cause for want of material and competent testimony beyond this state and prays that a further day may be given for the trial thereof and also the court's commission to issue to Huntingdon county in the commonwealth of Pennsylvania to examine evidences and that the deposition returned with the said Commission may be read in evidence on the trial of the issue aforesaid and filed in court here the following affidavit, to wit. —

Ezekiel Borings Lessee
against
Christian Singery

The Defendant in this cause made oath on the holy Evangelists of almighty God that Ann Helen of Huntingdon county Pennsylvania is a good and proper witness in the above cause, by whom the Defendant believes and expects to prove that her first husband Roberson Chilcoate was a surveyor and that he the said Chilcoate run the Defendants land called Singerys Trouting streams in order to ascertain vacant land by a set of courses attested by James Calder and that said courses was taken from the books of said Calder in which courses there was an expression to the beginning trees of Petticoats Loose which is now denied by James Calder the Defendant further expects to prove by said Witness that after said Chilcoate had run the land he observed to Calder there was a great quantity of surplus land included in said survey Calder said Singery would hold it but James Hall ought not to have given quite so much but Singery ought not to loose it. —

Allen Quynn.
24th May 179[illegible]