and this deponent heard Mr. Tolley say that it was the end of the second line of his land called Tolleys Purchase and further this deponant saith not. — Taken and sworn to on the survey this sixth day of September 1798.

William his E mark Everitt

James Gittings Lessee against Aquila Hall

The deposition of George G. Presbury Junr. aged about 38 years being sworn on the Holy Evangelist of almighty God deposeth and saith that about four weeks a gone he this deponent was at Aquila Hall house and Mr. Hall asked this deponent if he ever was shewn the Cherry tree alluded to in the agreement between Mr. Bosley and Mr. Tolley and he this deponant answered he was not. the same day this deponent and Mr. Hall was riding through this field and Mr. Hall pointed to the cherry tree now shewn the Sheriff and Surveyor and said that was the tree. Question by plaintiff. did you not understand by the agreement entered in to between Mr. Bosley and Mr. Tolley Witnessed by you and which instrument you have since proved that Mr. Tolley was by a good and sufficient deed to release and confirm to Mr. Bosley and his heirs all the land in Bullers Addition lying to the south and south east of the line as described in the said agreement so proved by you. answer yes. Question by Pltff. Did you not understand by the said agreement that Mr. Tolley was to fix the lines of his land back to the manor. answer yes, Question by Pltff did you not understand the said agreement to be utterly void unless Mr. Tolley should fix the lines of his land, back with the manor line. — answer yes. and further saith not. (Taken and sworn to on the survey this 25th day of September 1798. — Taken on part of Pltff.

Geo: Gould. H. Presbury Jr.

James Gittings Lessee against Aquila Hall

The deposition of Thomas Nichols the second aged about fifty eight years of age being sworn on the holy Evangelist of almighty God, deposeth and saith that at the time old Mr. Tolley had a Commission on his land he this deponant was a chain carrier and the surveyor run the manner line about five feet to the east of the white oak now shewn to the sheriff and surveyor, this deponant further saith that there was a stone laying in the old field near the place where its now set up that this deponant believes to be the same stone now set up in the ground and shewn to the sheriff and Surveyor, being asked by the Defendant, whether he this deponant knew what course the Surveyor run for the manner line and he saith he dont. being asked by the plaintiff doth you mean by your answer to the preceeding question that you knew not what point of the compass the Surveyor run from and

did you understand that he was running the first a nothest course of my Lord Baltimore's manner he saith that he knew that they was running the nothest line of the manner but he doth noth know the point of the compass they run by being asked as above weather as they were running for Mr. Tolley he did not conceive they were running the line of Mr. Tolleys land with the manner line this deponant saith he did and and further this depont. saith not. — Taken and sworn to on the survey this fifth day of September 1798. —

Thomas Nchols

James Gittings Lessee against Aquila Hall

The deposition of Thomas Nichols the second aged about fifty seven years deposeth and saith that the place now shewn to the Sheriff and Surveyor was shewn to him this deponant, about thirty seven years ago by a certain Thomas Gittings as the begining of a tract of land called Thompsons Choice and he this deponant with the Surveyor and others proceeded to run from the same as such and he this deponant further saith that since that time he has seen the said land called Thompsons Choice run from the said place as its beginning and further saith not. (Taken on the survey this 17th august 1798. Taken on part of Pltff. Thomas Nichols.

James Gittings Lessee against Aquila Hall

The deposition of Thomas Nicholls the second deposeth and saith that about twenty five or twenty six years a go he this deponent came to the hickory stump with a pile of stones lying around it now shewn to the Sheriff and Surveyor, with George G. Presbury (Surveyor) and a certain James Greenfield and proceeded from the said stump to run a certain tract of land called Thompsons Choice at the request of the said James Greenfield and further saith not. — Taken on the survey this 17th august 1798. Taken on part Pltff.

Thomas Nicholls

James Gittings Lessee against Aquila Hall

The Deposition of John Wells aged about 45 years being sworn on the holy Evangelist of almighty God deposeth and saith that about sixteen years ago the fence now shewn the sheriff and surveyor was moved, and that about nineteen or twenty years a gone the fence leading from a large rock stone upwards was put where it now stands. — Question by Pltff, At the time that the fence now shewn was laid ou mended by Mr. Bosley did not Mr. Bosley say that he was determined to get as high up on Mr. Tolley as he could and that he laid it here merely for peace sake and for the present time, this Deponant answered that when Mr. Bosley got