or two dollars for rent due me but dont recollect for what years, — and further the deponent saith not. —

No. 17th James Carlins questions and answers for defendant & plaintiff. —

For the defendant James Carlin aged 64 years being duly sworn deposeth and saith. —

1st. Question whether or not do you know David West the Complainant and Jesse Jarrett the defendant in this cause or either of them and which of them and how long have you known them or either of them, — 1st. A: yes I have known Jesse Jarrett ever since the year 71. and David West soon after. — 2d. Question whether or not did you know Robert Mooberry if so how long where did the said Mooberry formerly lived and if he ever lived in maryland, when or about what time did he come first to live in the said State, how long did he there live & with whom, — 2d. A: I know Robert Mooberry ever since the year 71 at that time he lived in Maryland, — 3d. Question whether or not did Abraham Jarrett deceased in his life time hold and possess the land now in dispute between the said West, and Jesse Jarretts children or tenants holding under them held and possess the said land ever since, — 3d. A: I know nothing of it. — 4th Question whether or not you heard Henry Dixon the Witness which hath been examined in this cause or Robert Mooberry say that they did not get any certificates of the surveys made by John Whitaker, and that they did not return any certificate of those surveys to the said William Smith, — 4th A: the time that the Intendant was at the black horse Robert Mooberry came to my house in the evening and stayed all night himself, James Clendenen and Thomas West and William Richardson and Robert Mooberry began to say that he had made a survey under Capt. Smiths authority, and I asked him had he a certificate and he said he had not, I asked him what was his reason that he had not got one from Capt. Smith, he told me the reason that Deacon took up the land that he give him half the land to get him a caution from Capt. Smith and Smith sent him to one Everet a surveyor, and Everet did not come agreable to his appointment, and he went back to Capt. Smith and he sent him to John Whitaker a deputy surveyor, and surveyed the land Mooberry & Moss carried the chain and I asked him if he made a return, Whitaker told me that he had made a return to Capt. Smith, then I asked him if he had a certificate from Capt. Smith and he said no, and I asked him what was his reason and he told me that he had agreed with Capt. Smith for to get him a lease and he would pay him for the lease and the surveying of the land under one and I asked him if he did not pay him for the surveying of the land and he said no for the leases could not be had and he'll trouble himself no more about it, Capt. Smith and he shewed a certificate from John Fulton, —

5th. question whether or not did the said Mooberry and also Alexander Turner on his behalf attend the Judge of the land office at an appointment for the hearing of the caveats between the said Mooberry and Jarrett, declare any thing you know from your own knowledge or from the declarations of the said Mooberry; — 5th A. yes I was present. — 1st. question by the plaintiff was you at the black horse at the dispute between Jesse Jarrett and Mooberry; — 1st. A. I was; — 2d. question will you relate what passed at the black house on the tryal; — 2d. A: Mooberry was called into court for his land, Jarrett entered a caveat then they went before the arbitrators and Mooberry laid down his claim by oath of several witnesses, that he had the land surveyed by Capt. Smith; Jarrett produced a patten for that land he thinks 938 3/4 acres then they sent for the arbitrators the Intendant and the Intendant and the arbitrators allowed Jarrett what was his patent Mooberry the remainder, the Intendant told Mooberry to get a bail-man and he should have his land, accordingly Mooberry did so and bonded for the land the same day of the tryal, that the arbitrators moved from the black house to Bennett Greens they gave notice to person that had purchased to attend at Bush town and get their certificates of purchase and all those that had disputes to attend, among others there was a caveat, — Jarrett against Mooberry that Mooberry did not get his certificate of purchase at the time he bounded; the Commissioners made a rule after they moved to Bennett Greens to give to none that had disputes; question by the defendant, did you hear Mooberry say that he had or had not a certificate from Calder, — answer, I asked him if he had any from Calder, he said he had not, that he went to get Bounden, that the fall of a deep snow then prevented, that he never went again. —

and further this deponent saith not, —

No. 18 Nathaniel Smiths questions and answers for defendant. —

Nathaniel Smith age 44 years being duly sworn deposeth and saith. —

1st. question whether or not the said William Smith move to Baltimore town any time after the beginning of the year 1766 where did the said William Smith live in the year 1766 & from that time until his death and how far distant from the land now in dispute, —

1st. A: he did not from the year 1766 to the best of my knowledge, he lived and died on the place where James Conklain Junr. now lives about five miles from the land now said to be in dispute. — and further this deponent saith not. —

No. 19. Benjamin Rigdons questions & answers for plaintiff. —

For the plaintiff Benjamin Rigdon age 44 years being duly sworn deposeth and saith, 1st. question was you or was you not at the black house tavern when the Intendant was selling the reserves.