what improvements is there on said land and of what kind, — 1st A. as I have understood by both parties there is about 200 acres of cleared land in possession of Jesse Jarrett as tenants and about 20 or 30 acres in possession of Bennett Jarrett as I have been informed by both parties, on one tenement a good dwelling house, barn stables, corn house and other out buildings a small piece of meadow about 3 acres, a young orchard consisting about 150 trees on a other tenement a good dwelling house stables and other out houses on a other tenement a good dwelling house stables and other out houses, — question by the plaintiff as you know how long them houses have been built the land cleared and orchard planted or whether you was informed by any person, — answer, I do not know I was informed that the place was fist settled in 90 or 91. the fist time I saw the places all improvements were there then that now is which was to the best of my recollection in 95. —

And further this deponent saith not. —

N° 23 Henry Fossetts questions and answers for the Deft. —

For the defendant, Henry Fossett aged 64 years being duly sworn deposeth & 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. I know them both, David West 15 years and Jesse Jarrett 30 years, — 2 question whether or not do you know Robert Mooberry and if so how long where did the said Mooberry formerly live and if he ever lived in Maryland when or about what time did he first come to live in the said state and how long did he there live and where and with whom, — 2d A. I knowed him when he lived in Pennsylvania fifteen years, I dont remember his living in Maryland, — 3d question whether or not have you he and Henry Dixon the witness who hath been examined in this cause or said Robt. Mooberry say that they did not get any certificates of the surveys made by John Whitaker and that they did not return any certificates of those surveys to the said William Smith, — 3d A. I heard Robert Mooberry say at the black horse that he never got no certificate of survey from John Whitaker nor never return any to Capt. Smith. — 4th Question whether were John Cox, John Love and Wm. Smith chosen by the settlers on the reserves to settle disputes as to the right of preemption when the Intendant was about to sell the reserves; — 4th A. yes they were, — 5th Question whether or not was there a dispute before these persons at the black horse between the said Mooberry and Jesse Jarrett with respect to the rights of preemption of some of the lands about to be sold and was there not also the same dispute between them at the house of Bennett Green, — 5. A. yes there was, — 6th Question whether or not did the said Mooberry and Jarrett at either of those places, if so how did they decide and if they made no decision for what reason, —

6th A. they never was decided at the black horse, I was not at Bennett Greens at the time of the dispute, — 7th question in the cause of said dispute did or did not the said Jarrett produce or mention his having a certificate of a survey called The Hills of Poverty made under the authority of the proprietor by Capt. Calder as land to the preemption of which he was entitled, — 7th A. yes he did, — 8th question whether or not did the said Mooberry produce before the said Cox Love and Smith any certificate on which he founded his claim, and if so what certificate and by whom signed was it or was it not made by John Fulton, — 8th A. it was, — 9th Question whether or not do you remember any agreement between the Intendant and the said Jesse Jarrett by which the said Jarrett was permitted only to purchase a part of the Hills of Poverty and was to give in consequence _____ price than if he purchased the whole if so relate what you know of the agreement, — 8th A. if he took the whole he was to have it at 3/9 per acre, I remember when Jesse Jarrett come into purchase, the said Jarrett asked the Intendant what was to be done about the dispute between him and Mooberry, as the commissioners had not settled it, the Intendant made answer that you must both purchase, try the dispute before the Chancellor, then the Intendant ask the said Jarrett if he intended to purchase the whole of the certificate I think it was upwards of 2000 acres and was called the Hills of Poverty Jarrett made answer that part was foul of elder tracts and some was so poor that it was not worth buying, that Jarrett concluded that he would purchase about 1500 acres that he thought it was as much as was clear and was worth purchasing the Intendant said if he did not take all that was clear he should give four shillings per acre and if he would all he should have it at 3/9 per acre, — 9th Question whether or not did the said Mooberry, and also Alex. 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 from the declarations of the said Mooberry, — 9th A. Mooberry told me that he and Alexander Turner went down to Annapolis to have hearing on the said dispute with Jarrett, and Turner was to have half the land if he got it; — 10th question was you a was you not appointed to keep the door for the Intendant all the time he was at the black horse selling the reserve land in Harford county, — 10th A. yes I was, and further this deponent saith not. —

N° 24 John Cox Senr. questions and answers for Plff. & Defent.

For the plaintiff, John Cox Senr. aged 60 years being duly sworn deposeth & saith. — 1st Question was you elected at the black horse as one to decide disputes when the Intendant was selling the reserves in Harford county, 1st A. yes I was. — 2d question will you relate what you remember of the dispute between Jesse Jarrett and Robt. Mooberry, — 2nd A. about 4, 5 or 6 years ago I