was called to relate my knowledge of this dispute at which time it was a good deal out of my recollection since which I have obtained a small docketb a sett of minutes kept by me at the time of the sales from which it appears that Jarrett and Mooberry appeared before us and our decision stands in these words: for Jarrett by virtue of his patten, so far as it calls; for Mooberry the remainder, the decision at Greens same as black horse; — 3d. question will you relate by what title Mooberry claimed by, and how the business was conducted; 3d. A: as well as I recollect Mooberry claimed by certificate right and produced a certificate or sett of courses made by John Whitaker the other papers I am not certain but believe one was John Fultons certificate; Jesse Jarrett claimed by virtue of a patent called Buchanans Deer Park said to contain 90 odd acres that this affirmant got a surveyor to ascertain the quantity; who informed him that the lines contained upwards of 600 acres, that this affirmant applied to the Intendant who came to the Judges and informed them that as there was a patent we could do nothing with it, — 4th. Question relate your remembrance of the dispute between Jesse Jarrett, Wm. & Ann Gibson, — 4th. A: they both claimed by certificates made by Calder, Jarrett, was a large certificate called (The Hills of Poverty) a few days younger than Gibson, — 5th question relate your remembrance of the dispute between Jesse Jarrett and Jesse Kent, — 5th A: upon the same principals and same reasons as Gibson, — 6th. question did Jesse Jarrett produce the certificate called Hills of poverty in his tryal with Mooberry at the black horse; 6th A: to the best of my recollection I never saw nor heard of that certificate until we met at Bennett Greens. — Questionby the defendant: was not the certificate called the Hills of poverty produced in the tryal with Wm. & Ann Gibson at the black horse; — answer the certificate of the Hills of Poverty was produced on that decision but I do not recollect whether the tryal was at Greens or black horse, — question by same whether or not are you interested in this cause, — answer, not one brass half penny, — question by same, what year and what month and what days of the month did you meet at the black horse; — answer as well as I remember it was in September 85 as to the day of the month I do not know, — Question by the same, what year month and what day of the month did you meet at Bennett Greens; — answer I do not recollect the days of meeting I believe we adjourned from the black horse for two or three weeks and had several adjournments and as well as I now remember we concluded the business in february following or January about 22 day; Question who was that survey that made out the platt and contended and informed you that it contained upwards of six hundred acres; — answer as well as I now remember John Churchman and I believe Robert Amoss furnished the instruments, — and further this deponent saith not. —

John Cox's deposition continued by the plaintiff. — 1st question will you relate what character Henry Dixon as generally bore since you have known him. — 1st. A: I never heard of any harm of the man until yesterday that I recollect; — 2d question will you relate what conversation pass'd between you and Henry Fassett on tuesday last respecting the dispute between Mooberry and Jarrett, and please to tell all you know about it. — 2d. A: Henry Fassett spoke to me and told me that he was a witness in the cause now depending, that he was a door keeper for the Intendant at the black horse, that he remembered my applying to the Intendant in the case Jarrett against Mooberry that the Intendant went with me up stairs that he Fassett followed and heard him give as his opinion that as there was a patent it was out of our power to do anything with it; —

No. 25. Daniel Tradaways question and answers for the defendant. — for the defendant, Daniel Tradaway aged 74 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: I know them both, I have known Jesse Jarrett this 30 years and have known David West near 20 years; — 2nd question whether or not did 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 come first to live in the said State and how long did he there live and where or with whom, — 2d A: I knew Robert Mooberry about 20 years where his place of residence was I never knew. — 3d question whether or not did 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 and from that time until his death and how far distant from the land now in dispute, — 3d A: I cannot remember the date; that he move to Baltimore or from Baltimore; 4th question in the cause of said dispute did or did not the said Jarrett produce or mention his having a certificate of a survey call the Hills of poverty made under the authority of the proprietor by Capt. Calder as land to the preemption of which he was entitled; — 4th A: I do not remember that I have heard at that time of any claim to any lands of that name; — 5th question was or was not the dispute between Jesse Jarrett Ann and Wm. Gibson at the black horse tavern if so at what time and how long before the arbitrators met at Bennet Greens; — 5th A: the dispute between Jesse Jarrett and Ann and Wm. Gibson was at the black horse in September 1785 the distance of time between that and meeting at Bennett Greens was in february 1786. —

and further this deponent saith not. —

No. 26. Patrick Doruns questions and ans. for Pltff. & Deft.

Patrick Dorans deposition continued for the Plaintiff. — 1st question did you as deputy Surveyor under Daniel Scott make out this platt