examine the Evidence tho Mr Prather had regular notice given him

Wm Stewart clk

True copy from the original

Wm Stewart clk.

And also the depositions of James Prather Jarvis Haugh and Aaron Moore taken on the 5th April 1764 as follows. The deposition of James Prather being of full age and duly sworn on the holy Evangels of Almighty God. deposeth and saith as follows that some time in the year seventeen hundred and sixty this deponant was at Col Cresaps house and when he was there Col Cresap and Aaron Moore talked about a tract of land called Burks Lodge and the Colo got his Record Booke and shewed him the plot and certificate of said tract which was understood and spoke of as Mr Bladens Land which Moore wanted to purchase and while Col Cresap and Aaron Moore was talking about the purchase of said Land this deponant turning over the leaves of said Record Book then lying on the Table. he found several surveys made for Mr Bladen amongst which one called white oak Level containing three hundred acres beginning at two bounded white oaks standing below the mouth of Evats creek the reason of this deponants turning over the leaves of said Record was that his brother Henry Prather wanted to purchase white oak Level. some time in the aforesaid year this Deponant was on his way from Col Cresaps mill in his way home and calling in with one Christian Eversole at a tippling house kept by a widow woman there he found Col Cresap Joseph Tomlinson and several others when Joseph Tomlinson was talking with Col Cresap about purchasing white oak Level but

Col Cresap told said Tomlinson it was engaged to one Grahame to which Tomlinson answered that Grahame was run away and would never pay him his money Col Cresap said if Grahame did not pay for it or some expression to that purpose a Gentleman in Belhaven was to have it that in the time of the conversation between Col Cresap and Joseph Tomlinson Colo Cresap several times mentioned the said Tract of Land by the name of white oak Level this deponant further saith that since the conversation between Col Cresap and Joseph Tomlinson he this deponant was a chainbearer in the Execution of a warrant for Doctor Ross and begun at two bounded white oak trees which appeared to be old boundaries and was said by the neighbours to be the boundaries of Mr Bladens Survey of white oak Level the boundaries were not shewn this deponant by any of the neighbours tho there were a good many present as well as several soldiers from Fort Cumberland who had written orders from Major Livingston which soldiers obstructed running the Land and cut their chain in two with an axe that this deponant heard his Father Thomas Prather Esquire of several persons and particularly of John Nichols Senr for the boundaries of white oak Level who told this deponants father the trees stood close by the corner of an old school house which trees they began to run from in the survey made by Doctor Ross and Mr Nichols refused to go to the trees being afraid as he said of a riot but this deponant saw no courses but believes the Land was run by courses then made and further this deponant saith not. James Prather.

The above Deposition taken in the presence of Col Cresap John Hall Esqr for Colo Geo Mason Thomas Johnson Esqr and Doctr David Ross this 5th day of April 1764.