And now at this day to wit the said Third Tuesday of may being the 17th day of the same month come again as well the said plaintiff as the Defendant by their attorneys aforesaid. and the said William Brown by his attorney aforesaid, comes and offers himself ready for trial against the said William Wright Lessee of the said John Gresham in the plea aforesaid, but the said William Wright Lessee as aforesaid although solemnly called, comes not but makes default. nor does he further prosecute his action aforesaid against the said William Brown in the plea aforesaid Wherefore it is considered by the court here that the said William Wright Lessee of the aforesaid John Gresham take nothing by his Declaration aforesaid, but that he & his false Clamor be in mercy &c and that the said William Brown go thereof without day &c. and it is further considered that the said William Brown recover against the said William Wright Lessee of the said John Gresham the quantity of Eight Thousand one hundred and thirty Eight and one half pounds of Tobacco by the court here unto him the said William Brown on his absent adjudged for his costs and charges by him about his defence in this behalf laid out and expended, and that he have thereof his execution &c.

Memorandum. The sheriff and surveyor of Anne arundel County to whom the Warrant of resurvey issued in this cause, returned to the provincial court here together with the said Warrant and plats certain Depositions taken before them upon the survey and which said Depositions are as follows, to wit.

The Deposition of Thomas Wooten aged 42 years or thereabouts being duly sworn at an Old Stake set in the ground standing south thirty one Degrees west one perch from a large swamp Oak deposeth and saith that about fifteen or sixteen years agoe Mr. Gresham came over in order to take up some Vacant Land adjoining Lyons search and Selby's marsh and came to the Deponent who then lived with his mother in law Mrs. Wooten and asked him to carry the chain which he did and that Robert Davis, Joseph Mays, John Gresham and others were present and John Gresham said as he could find no person who knew the beginning of Selby's March obliged him to reverse his Courses from the second Boundary and that he had no design

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to disturb his neighbours but wanted to settle it in an amicable manner and further said he had long known the situation of the Land and how it lay and from the long possession that they had he was not afraid of any person taking it away and in reversing the courses in order to find his beginning in order to lay out the Vacancy and began at the end of the reversed Courses and run a straight line to the water and in running by a place where a post was set up by Commissioners Joseph Mays and John Gresham walked up to the place aforesaid and had some conversation together but the Deponent does not remember what passed. But at that time there was a great intimacy between Joseph Mays and Robert Davis and Mr. Davis being very sick at that time Mr. Mays undertook to speak in Mr. Davis's behalf as appeared to this Deponent and that he understood by Mr. Davis it was so and that part of the conversation between Mays and Gresham was concerning Lyons search which Mr. Gresham acknowledged before all present that it was Lyons search which lies north fifty Six Degrees west fifty two and three quarters perches from the place a stake where the Deponent now stands and that the Deponent understood that the Land lying to the northward and north north east of the reversed courses from the second boundary of Selbys marsh was deemed by all present to be Lyons search. The Deponent being asked by the Defendant whether he did not make use of Lyons search as his property or not answered he did for that he about twenty years agoe lived one year with the Defendant Robert Davis and the Deponent remembers to have heard but does not know whether from Martha Sky or old Mr. Holms that the beginning of Selbys Marsh stood near an old well. The Deponent being asked by the plaintiff whether at the time he lived with Mr Davis, Joseph Mays did not say any thing concerning his working Lyons search answered he was burning a Tobacco bed on the south side of Stoney Hill and that Joseph Mays told the Deponent that John Gresham did not know what the Deponent was after for if he did – and laughed. and being further asked whether after running from the end of the reversed courses to the water they did not run round with the water to the fourth boundary of Baselin answered they did to a Boundary of Baselin and further saith not.

19th June 1767. Thos. Wootton.

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