upwards and concerning the bounds of the aforesd Ebdens hole Glovers
Land and a Creek called Beam Creek, and that the said Harper had
this deponent and diverse others to the head of a small Creeke flowing out
of St Georges als St Marys river being the third Creek or great bite or
Cove from Ebdens hole up the river aforesd and is to the southward of a
peice of Ground by the sd Thomas Hobb cleared on Glovers Land
Land aforesd And the said Wm Harper so being sworne upon his Oath
did declare that the head of that Creeke and the Spott of Ground
on which he then stood was Beams Creeke and the Mouth northe bounds
of Ebdens hole and that the said Creeke and the Line from thence running
west parted the said Lands of Ebdens hole and Glovers Land leadin
ing by Sutton Cabel as aforesd and further this deponent saith that he was
one of a Jury upon a reservey formerly made upon the Land of
Ebdens hole aforesd and presented in favour of one Mr
Phillip Clark died and that the said Clerk directed the sheriff Surveyor
this deponent and the rest of the Jury to begin on the head of a small
Creek much to the northward of the former, and told them that
was Beams Creek and there not being any person present to gainsay
the same the sheriff Surveyor & Jury aforesd did begin at the place
aforesd and that there is another Creek or bite between the place
now proved in behalf of the tenant aforesd & Ebdens hole aforesd

Peter Walls

William Watts aged fifty years or thereabouts being likewise sworn
deposeth that he was present at the time when the within named Wm
Harper made the within mentioned Deposn and that he did depose of
the lands and Creek within mentioned as is within contained & further
that he this depost was also one of the Jury on former reservey
within mentioned And that the wtn in named Ph Clark did cause
the sheriff surveyor and Jury on that reservey to begin at the head
of a Creeke much to the southward of a tribute the head of which
the within named Wm Harper discribed to be beams Creek and the
devideing bounds of the lands aforesd as within set down and that there
is one other Creek or bite between the place now discribed to be
beams Creek according to the tenants pretentions and Ebdens hole aforesd

Wm Watts

Richard Lewellin aged thirty years or thereabouts being likewise
sworne deposeth that he heard the within named Wm Harper
on his Oath declard that the head of the Creeke to the southward
of the ~~Creek~~ clear ground within mentioned was the Creeke called
Beams Creek and that the same was the Esterlin north bounds

(of)

of Ebdens hole and divided the lands of Ebdens hole and the land commonly
called Glovers land and further saith not

Richard Lewellin

George Clark aged twenty one years or thereabouts likewise deposeth
that he saw the within named Wm Harper set downe his foot to the
ground on the head of a Creek to the southward of a peece of Ground
cleared by Thos Hobb on the land called Glovers land and deposeth that
the head of that Creek was the Esterlin north bounds of Ebdens hole
and further saith not

Geo. Clarke

The within depositions were taken the first day of August 1713 on
the premises before us

Henry Low Justice
Nott: Keeg Justice

Whereupon this Cause standing for tryall this present Court at the request
of both plaintiff & defendant and by their Consent its ordered by the Court that
the said Cause be referred to the Arbitrament and determination of Mr
Cornelius Wheeler and Mr Jno Baptista Carbery and in Case they make no
award by the day of next thereafter the Umpirage and determina-
tion of Capt Wm Walls Umpire indifferently elected by the said parties and
orderedby the said Court that the said Arbitrators & Umpire make their
award or Umpirage in writeing under his or their hands and Seales
and return the same to this Court the next Court, and the Judgment
of the Court to be rendred according to such award or umpirage and to
finall between the said parties according to the form of the statute &c
with power to Examine Evidence on Oath — Et hoc pro ut alias —
partium Mr Paden attny pl'ntiff. Ch Hale attny defdt — Whereupon
the said Thos Hobb by his attny prays further Leave to Imparle
hereunto untill next Court and he hath it & the same day is given to
the pltff also —

Afterwards said next Court to wit the 13th day of July Anno Domi
1713 Comes again as well the said Simon Sumott Lessee of the said
Jno Read & Hannah wife by his attny aforesd & the said Thomas
Hobb by his attny aforesd And the said Wm Watts the umpire as aforesd
pursuant to the rule aforesd makes return to the Court where his
umpirage which umpirage follows in these words viz

Simon Sumott Lessee — } In trespass and Ejectment
vs Jno Read & Hannah his wife — — — — } This Cause standing for tryall the last prov=
Court at request of both parties the same —
Thomas Hobb — — — } by rule of the said Court was referred to the —
Arbitrament and determination of Cornelius Wheeler
and Jno Baptista Carbery gent & in Case they did not make their
award by the day of next following then to the
(Umpirage)