being the second day of the same month in the year of our Lord one thousand eight hundred and thirty eight, and the day until which this cause was further continued, come again into the County Court here the parties aforesaid by their attornies aforesaid - Thereupon further process of and upon the premises aforesaid, between the parties aforesaid by consent of the said parties and their attornies aforesaid and by order of the Court here is further continued till the second Monday of October next - At which mentioned second Monday of October being the eighth day of the same month in the year of our Lord one thousand eight hundred and thirty eight come again into the County Court here the parties aforesaid, by their attornies aforesaid and the said Sheriff and surveyor of the County aforesaid to whom the said plots and certificates were delivered for the purpose of amending or adding thereto, if necessary return the same to the Court here as amended with the following depositions taken before them to wit.

Joshua T. Clarke being sworn and examined on the part of the plaintiff at a Read Oak, and stone on the plat at the letter I. says that the tree is the beginning of a tract of land called Burgess Delight and last bounded tree of a tract of land called Clarks Fancy -

Saml Fowler, Shff. P. G. County.

Joshua T. Clark being sworn and examined on the part of the plaintiff at a white oak, on the west bank of Patuxent River on the plat at the letter D. says that the white oak is the third boundery of a tract of land called Burgess Delight. -

Saml. Fowler, Shff. P. G. County.

Nathan Waters of Henry being sworn and examined on the part of the plaintiff at a stone on the plat at G. says the stone is the beginning of that part of Hickory Thickett conveyed by Charles Carroll to Philip Green reputed and acknowledged to be by the persons interested in the beginning and location of said land. -

Saml. Fowler, Shff. of P. G. County. -

Joshua T. Clarke being sworn and examined on the part of the plaintiff at a stone on the plat at the letter I. says that in the year 1812 he this deponant obtained a deed from Philip Green for part of Burgess Delight part of Hickory Thickett and part of Clarkes Fancy and at the time of his making the purchase the land was surveyed, and that said the stone was made a corner and that in the year 1813, he this deponent sold to Walter S. Clark two hundred acres part of the above named three tracts of land and after the sale it was laid off to Clark from the above described stone, and this deponant further saieth that after the termination of a suit in Prince George's County Court between Doctor James MacGill and the Messrs. Waters and others that he understood that according to the decision of the Court a corner was established a short distance south of the stone and further saieth that Walter S. Clark did move his fence south of near where the fence now stands and was the extreme northwest corner of Walter S. Clarks possession and inclosure at the time of the sheriffs levy and sale in the case of Holmes vs. Walter S. Clark.

Saml. Fowler, Shff. P. G. County. -

Joshua T. Clark being sworn and examined on the part of the plaintiff saieth that the land contained within the following limits, was the land in the possession of Walter S. Clark at the time of the sheriffs levy and sale in the case of Holmes vs. Walter S. Clark viz. running southerly from a post at the north west corner of Caleb Clarke's inclosure on the plat at the letter A. with a fence to or near a Mulberry tree in the first line of Burgess Delight then with the said line to the end thereof then up the branch with the second line of the said tract to a white oak the third boundery of said tract then with part

of the third line to the 1st line of part of Hickory Thickett conveyed by Charles Carroll to Philip Green then with said line reversed to the stone the beginning of said part then with a fence to the post first mentioned. -

Saml. Fowler, Shff. P. G. County."

Nathan Waters of Henry being sworn and examined on the part of the plaintiff saieth that a post on the plat at the letter A. is at or near the place that was decided by Court in the case Doctor James MacGill vs. Waters and al. about the year 1823 or 4 to be the north west corner of the land in the possession of Walter S. Clark and that the said Clark previous to the termination of the suit had his fence further north near a stone on the plat at the letter I. and after the suit was ended removed his fence at or near where it now stands and this deponant further saieth, that the land within the following limits viz. Beginning at the above described post, and running in a southerly direction and nearly with a fence enclosing the land was occupied by Caleb Clark, to or near a Mulberry tree in the first line of Burgess Delight then with the said line to the end thereof then with the second line to a white oak, the third boundery of said tract then with part of the third line to the end of the first line of part of Hickory Thickett conveyed by Charles Carroll to Philip Green, then with said line reversed to a stone the beginning of said part then with a fence to the beginning post is the land that was in the possession of Walter S. Clark at the time of the Sheriffs levy and sale in the case Holmes vs. Walter S. Clark. -

Saml. Fowler, Shff. P. G. County." -

Joshua T. Clark being sworn and examined on the part of the plaintiff saieth that Jacob Green died seized of the land devised by his uncle to Philip Green. -

Saml. Fowler, Shff. P. G. County. -

Doctor Charles Dunall being sworn and examined on the part of the plaintiff saieth, that a short time after the sale of the land in dispute conveyed by the sheriff to Belmear, he was present when Walter S. Clark and his counsel desired Joshua T. Clark to give to him Walter S. Clark a second deed for the land as now surveyed by the surveyor as the land in dispute and the deponent says that Walter S. Clark consented to and did sign a relinquishment of all claim to and for a certain part of a tract of land called Clarke's Fancy which he the deponent has since sold to a certain Walter Bowie as pointed out on the plat. -

☞ For plat V^e. see end of record -

And the said defendant by his attorney aforesaid defends the force and injury V^e. - and takes his defence in the premises of and upon all those parcels of land called "Hickory Thickett," "Burgess' Delight" and "Clarke's Fancy" as have been located by the said Godfrey Goodtitle, lessee as aforesaid for his claim and pretensions in this suit upon his the said defendants title thereto, and says that he is not guilty of the trespass and ejectment in the said declaration mentioned in manner and form as the said Godfrey Goodtitle lessee as aforesaid above complains against him, and of this he puts himself upon the Country V^e. and the said Godfrey Goodtitle lessee as aforesaid in like manner V^e.

Thereupon for trying the issue aforesaid, it is ordered by the Court that twenty persons from the pannel of petit Jurors, be drawn by ballot according to the act of Assembly in such case made and provided and thereupon the twelve persons being so drawn by ballot and called come that is to say - William A. Dorsett George Morton John Hodges Henry G. Carlton Thomas C. Giles, William Calbert Francis M. Bowie, Polydore C. Scott, Joseph White Elias