and agreeing to their planting at the places at which they were planted, as the dividing line between the lands of Jas. B. Teresap and of Joseph Teresap - I assisted in the planting of the stones - I fully believe that Mr. James Prather run the line at the time the stones were planted, and I understood that to be the dividing line between Jas. B. Teresap's lands and Joseph Teresap's lands, and as such was agreed upon by both parties - I was also present when the stone also shown upon the ground, was planted at the Mill run, and that line was also agreed upon by Joseph Teresap and Jos. B. Teresap, as the dividing line between them; and a fence was at some time thereafter to be set upon these lines -

Test, Benjamin Brown, N. Bruce. - Michael Wilson.

The plaintiff further proved by Daniel Teresap a competent witness that he is the brother of Joseph Teresap the plaintiff, and of James B. Teresap, who conveyed to the defendant, that his brothers Joseph and James held lands adjoining each other, that they held their lands as Lots and claimed them as Lots and in looking for their lines between them always looked for their line dividing the lots which they respectively held and they supposed the true line between them to be near the Dry Rockey Run, and that this was the line between them as made by the will of their father, that they supposed this line to be the true north line of Lots No. 3499 and 3500, being the lots mentioned in his fathers will - That James D. Armstrong a surveyor was employed by the said Henry Hutson some time after his said purchase from James B. Teresap to survey the said lands of the said Hutson that the said Hutson requested the said Joseph Teresap to shew the said Armstrong where the said line of division between him and his brother James was, and that the said Joseph pointed out a place at or near the black Jack standing on the right of the said Dry Rockey Drain as near where he the said Joseph supposed the said line to be that the said Armstrong run from that place so shewn him not as the line but for the purpose of running an experimental line to find the true line that running the said experimental line they did not come to the fallen white oak that he was present when Benjamin Brown the surveyor of Allegany County was making the location of the plaintiff in this cause by variation, being the 2d. survey, that in running the middle line by the north East and north West line of the whole block of lots in that neighbourhood they came to a fallen white oak located on the plots as the bounded white oak now down the beginning of lots 3503 and 3504 as located by the plaintiff Hutson was present at the time Hutson was sitting on the tree when the witness came to it, Brown the surveyor said that was the line. Hutson said yes that was the true division between his land and those of Joseph Teresap, that to the best of his knowledge and belief Joseph never exercised acts of ownership over a line drawn from that tree in both directions between the lots of the parties, and that when Armstrong run, Joseph Teresap also pointed out a white oak, to the South of the fallen white oak above named, as also being on the division line, between Jos. and Jos.' lands, as he the said Joseph supposed -

The defendant offered in evidence the affidavit made by Daniel Teresap

on the part of the defendant on the execution of the warrant of resurvey in this cause -

Joseph Teresap's Lessee vs. Henry M. Hutson -	Ejectment in Allegany County Court, August 2d 1845 -

Daniel Teresap a lawful witness being duly sworn upon the ground, upon the part of the defendant deposeth and saith That James D. Armstrong a Surveyor in Allegany County when running out the lands for Hutson which he bought of James B. Teresap, commenced to run at or near a black Jack shown upon the ground (and being also the same place pointed out by Moses Rawlings also a witness produced upon the ground) as the place at which Armstrong commenced; and which black Jack stands upon the side of the dry rockey run also pointed out upon the ground; and ran the course of the Lots north 50° West; Armstrong run from this point, because both Joseph Teresap supposed it to be the beginning of one of the lines of the lots, and because Joseph Teresap supposed it to be the dividing line along the line of those lots, between the lands of Jas. B. Teresap and Joseph Teresap - Up to the time of the sale by Jas. B. Teresap to Hutson, James B. Teresap exercised acts of ownership over all the land upon the South side of the dry rockey run from the Western Branch of the mill Run up the said run, and with the aforesaid line extended north 50° West towards the mountain - James B. Teresap previous to the sale to Hutson, claimed the land upon the South side of the run as his property, and believed the same to be his own. After the sale to Hutson, Hutson took possession of the same land of which Jas. B. Teresap had been in possession, and of all the land upon the South side of the run - Hutson took actual possession of that that was enclosed, and exercised acts of ownership by cutting timber &c. of that which was not enclosed - The upper cabin shown by him upon the ground, was built as James B. Teresap said to him, upon his own land - It appears to me that I heard Jas. B. Teresap assign as a reason why the upper cabin was built, was that Joseph wanted the lower cabin in which a Dutchman then lived, and that therefore he would put up one upon his own land - Believes that at the time of the sale by Jas. B. Teresap to Hutson, Jas. B. Teresap thought that the lots No. 3501 and 3502, and the land upon the South side of the dry rockey run belonged to him - That the Dutchman who at the time of the sale to Hutson lived in the upper cabin and cultivated the enclosure now shown by him upon the ground as the tenant to Jas. B. Teresap, was hand over by Jas. B. Teresap to Hutson as Hutson's tenant -

Test, B. Brown - N. Bruce - Dan.l Teresap -

The plaintiff proved by William Krotzburg a competant witness that he was a tenant on the lands of James B. Teresap that he had cleared lands for James B. Teresap before the purchase and that the defendant told him to remain on the land and keep on clearing that Henry Hutson shewed him the witness the line between himself and Joseph Teresap a leaning white oak about 20 steps from the dry run as he supposed and immediately opposite the upper cabin on the