Mary, Grafton & Sarah Dulany, ag.t James, Benjamin & Martha Comer. The Deposition of Archer Fowler aged thirty five years being sworn for the defendants on the holy Evangelists of Almighty God, deposeth and saith, that the stone now shown to the Sheriff and Surveyor, is at the beginning of the tract of land called Honest Dealing, as shown to him by a number of men; and this deponent also saith that the fence now shown he knows to have stood where it now is about twenty five years; this deponent also shows another part of fencing at the North East Corner of James Comers Plantation which was put there about three years past, This Deponent also shows another part of fence at the South East Corner of said plantation which was put there about sixteen years past, This Deponent further saith that James Comer Father of the Defendant he heard him say that he would not pay finally all the money he agreed to pay Sobion for the land until the lines of his land was fixed between him & Dulany This Deponent saith this Declaration of James Comer was in consequence of some observation of his on after a Survey was made by Joseph Brewer for William Sobion the then owner of the land now in dispute, and after Comer had purchased of Sobion and before Major Dulany had a Commission on his land, This Deponent further saith that he was on the aforesaid Survey made by Brewer and before they went out on the ground to run he remarked to Sobion that Dulanys land would clash with his, Sobion said his title was Plain and this Deponent further saith not

January 31st 1810. Archer Fowler being further examined saith that he was riding with Elisha Mapey (deceased) across the land now in dispute and Mapey asked this deponent if he had seen the appearance of an old settlement near the branch, he answered yes then Mapey told this deponent there was the place where the house was the Mapeys lived in first that owned the land, Elisha Mapey further told him this deponent that the Mapeys moved the house from that place further down the branch because they discovered it was on Dulanys land This Deponent saith that the place alluded to is where he now shows to the Sheriff and Surveyor, and this deponent further saith not — Arch.d Fowler

Sam.l Sp.r 31st 1810. Edward Wilkins Shff. Mary, Grafton & Sarah Dulany ag.t James, Benjamin and Martha Comer. The deposition of William Fowler aged about thirty one years being sworn for the defendant on the holy Evangelists of Almighty God deposeth and saith that the stone now shown the Sheriff and Surveyor is at the beginning of the tract of Land called Honest Dealing, and this Deponent also saith, that the fence he now shows as aforesaid he knows to have been where it now stands for twenty years and from the end of the said fence a fence was continued to the line of Dulanys claim about sixteen years past and this deponent further saith not. Feby 1st 1810. Question by the Plaintiff. How long ago was the fence taken away? about Eight years ago there was ten or a dozen panels taken away he believes in part, Qt. by plaintiff. Was the fence from the stump proved by William Spearman down the branch to the line of Dulanys land laid down by the Commissioners as long as you can remember where it now is, Answer, it was not — Qt. How long was the place laying open, Answer, about two years, forty panels up the branch from where the plaintiff says his protection lay open, and that plantation for years not tilled for two years the whole of the defendants plantation was a common about twelve years ago. This Deponent further saith not, — Wm. Fowler. Feby 1st 1810. Edward Wilkins Shff. (9)

Mary, Grafton and Sarah Dulany, ag.t James, Benjamin & Martha Comer — The Deposition of Elijah Mapey aged 79 years sworn by the holy Evangelist of Almighty God deposeth and saith that the spot now shown to the Sheriff and Surveyor he says formerly stood a peed oak tree now a stump the beginning of my lords Gracious Grant called Dulanys land, the deponent said that he got his information from several persons he supposes it is about fifty or sixty years since it was shown to him as the beginning of Dulanys land this deponent being further examined concerning a Grave yard in the presence of the Sheriff and Surveyor saith that he new that to be a family burying ground about sixty years ago and saith that William Mapey and all the family is buried there the

former owner of the land, that there was no contention about a burying Ground by Dulany, and this deponent saith that he new the old building about sixty or seventy years and that they were William and Elisha Mapeys houses This Deponent further saith that he new the fence that is between James Comer & Archibald Fowler to where it now is about sixty years back. February the 20. 1810. Elijah Mapey — Witness present Geo. Search Dep. Shff. Whereupon the parties aforesaid by their attorneys aforesaid pray leave of the Court here to amend the said plats and certificates returned to the Court here in this cause and to add thereto if necessary by the third Monday of September next and to them its granted and the same are again delivered to the Sheriff and Surveyor aforesaid for that purpose, thereupon further process of and upon the premises aforesaid, between the parties aforesaid by consent of the said parties and their attorneys aforesaid and by order of the Court here thereon is further continued until the third Monday of September next. At which mentioned third Monday of September, being the seventeenth day of the same month, in the year Eighteen hundred and ten, come again into the County Court here the parties aforesaid by their attorneys aforesaid, and the said Sheriff and Surveyor of the County aforesaid to whom the said plats and certificates were delivered for the purpose of amending, or adding thereto if necessary return the same to the Court here as amended, whereupon the parties aforesaid by their attorneys aforesaid pray leave of the Court here to amend the said plats and certificates returned to the Court here in this cause and to add thereto if necessary by the third Monday of March next and to them its granted and the same are again delivered to the Sheriff and Surveyor aforesaid for that purpose — thereupon further process of and upon the premises aforesaid between the parties aforesaid by consent of the said parties and their attorneys aforesaid and by order of the Court here thereon is further continued until the third Monday of March next. At which mentioned third Monday of March being the eighteenth day of the same month in the year Eighteen hundred and eleven come again into the County Court here the parties aforesaid by their attorneys aforesaid, and the said Sheriff and Surveyor of the County aforesaid to whom the said plats and certificates were delivered for the purpose of amending or adding thereto if necessary return the same to the Court here as amended, whereupon the parties aforesaid by their attorneys aforesaid pray leave of the Court here to amend the said plats and certificates returned to the Court here in this cause and to add thereto if necessary by the third Monday of September next due to them its granted, and the same are again delivered to the Sheriff and Surveyor aforesaid for that purpose, thereupon further process of and upon the premises aforesaid, between the parties aforesaid by consent of the said parties and their attorneys aforesaid and by order of the Court here thereon is further continued until the third Monday of September next. And now here at this day to wit, the third Monday of September, being the seventeenth day of the same month in the year Eighteen hundred and eleven come again into the County Court here the parties aforesaid by their attorneys aforesaid, and the said Sheriff and Surveyor of the County aforesaid, to whom the said plats & certificates were delivered for the purpose of amending or adding thereto if necessary return the same to the Court here as amended in form following to wit (here follows the plat)

Mary Dulany, Grafton Dulany and Sarah Dulany, Devisees of Walter Dulany (Lessee) ag.t Martha Comer, James Comer and Benjamin Comer — Plaintiffs or Defendants may think necessary for illustration as by the said Warrant may appear

The State of Maryland Kent County sct. To the Honorable Judges of Kent County Court

By virtue of a warrant of resurvey from the said Court to resurvey all that tract of land called the Remainder of my lords Gracious Grant, lying and being in the County aforesaid and any other land adjacent thereto that the

These are to Certify that I Simon Wickes Surveyor of Kent County, in the presence of the Sheriff and the parties have by the plaintiffs particular directing resurveyed and laid down part of the Tract called the Remainder of my lords Gracious Grant, Beginning at a stone set up on or near the side of Chester River, which is alledged by the plaintiffs to be where the original beginning of a tract of land called Partnership was and which is mentioned