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Reverdy Johnson Jr sworn special Judge.

The defendants here rests their case,

The plaintiff then proved by Wm Shaw subject to exceptions 71 years old resided in Westernport to have with Mr Morrison in 1811 lived in town 15 years then went up the Creek to sleep store for him I pointed out to the surveyor the beginning of Rich Level It was pointed out to me by Knight and several other old men as the beginning I run the tract out and found it to be correct I run it by the courses of a deed furnished me by Mr Schley. The stump and tree are generally known with the neighborhood as the beginning of this tract Am acquainted with possession No 1 and 2 These enclosures were pointed out to me after the survey was made by the surveyor on the ground. The surveyor or pointed out to me where he had located the enclosures on the survey The old fence as located of possession No 1 was further out formerly on the side next the County Road when the State Road was built it was thrown down and afterwards rebuilt. Have known No 1 from 1811 or 1812 up to the time In 1812 or 1813 Morrison enclosed it.

The fences of No 1 during the Winter it was a common the fence was burnt down in the Winter and rebuilt in the Spring built all lots Westernport Hauled lumber through possession No 1 built boats 5 or 6 years in 1836 up to 1839 or 1840 Hauled lumber through this lot from my mill other parties hauled from Morrisons Mill hauling was done early in Spring The fence down next the Coal yard has never kept up during the Winter this fence near Coal Yard was generally burnt up.

Murphy and Downey also built boats there during the time I was hauling persons generally went through this lot Tuttlins also hauled through this lot The fence next Rail Road which was built in 1851 was pulled down at the time they built Rail Road, I do not know how long before it was put up again They were building the Road about a year or two I do not think while they were building the Road the fence was put up until the road was built The Company fenced

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through while the Road was building I pointed out to the surveyor on the ground the place where the road through No 1 ran but not on the survey I was not in survey Owing 38 39 I hauled lumber through the lot The fence round the lot during the Winter was generally burned up until Mr Murphy got it The fence was a rail fence some times a part of it on the side next Stage Coach road the fence was not required the bank being steep on the side next the River a considerable part was down while I was building boats there during 30 and 31 the fence was generally left the balance of them up and down I built boats on the East side of the Creek on possession No 2 in 1831 The fence next the river was white building boats there moved in, and then moved back in the spring The black lines on the plat the possession No 1 represent the place I pass through The time we were engaged was in months February March April

On Cross examination Witness says I pointed out the beginning of Rich Level to the Surveyor in or Dec last There was no survey made the day I pointed out the beginning of Rich Level Mr Garden Mr Chisholm and myself were there then It was the first day appointed to make the survey I was not present on the ground at the time the survey in this case was made I am not certain that I pointed out any of the lines or any day prior to the survey I think I pointed out on the first day the places and were the old fences of possession No 1 stood I did not point out the place where any road passed thro No 1 to the Surveyor on any day prior to the Serving nor on the survey I knew old Jas Morrison in 1811 and 1812 Morrison cultivated No 1 every year I think I left Westernport in 1813 and went 3 miles up the Creek In 1814 went as a Soldier 4 or 5 mos Then returned to Morrisons store and stay till the year 1816 and then married and moved where I now live about five miles from the premises I built boats in 1838 1839 and 1840 on West side of the Creek Built boats on East side of Jarrys Creek The possession No 1 was used as most persons use their property, the fence was thrown down generally in Winter and built up in the Spring When I hauled logs through No 1 the