Thomas Tomkins aged seventy two or three years a thereabout after being duly summoned and sworn on the part of the defendant deposeth and sayeth, that about forty years ago, this defendant was a chain carrier at the time the resurvey on content was made; and that the spot he now sheweth to the shff and surveyor, where now stands a stone marked (AM seventeen hundred and Eighty five) that the twentyeth line of the resurvey on content run about two foot, on the north side of said Stone, it — being the beginning of a tract of land called Sawyers purchase also admitted by the Plaintiff to be the beginning of Sawyers purchase, and further this deponant sayeth not.

Thomas Tomkins

whereupon the parties aforesaid by their attornies aforesaid pray leave of the Court here further to amend the said plots and certificates returned to the Court here under the warrant of resurvey aforesaid in this cause, and to add thereto if necessary by the second Tuesday of October next and to them it is granted; and the same are delivered to the sheriff and surveyor of washington County aforesaid, for that purpose; Thereupon further process of and upon the premises aforesaid, between the parties aforesaid with the consent of the said parties by their attornies — aforesaid, and by order of the Court here thereon is further continued until the said second Tuesday of October next.

At which said second Tuesday of October being the Twelfth day of the said month in the year of our Lord one Thousand seven hundred and ninety fifty which said day leave was given further to amend and add to the plots and certificates — aforesaid in this cause come again into the general Court here, as well the said Thomas Smith by his attorney aforesaid, as the said Jeremiah Foster by his attorney aforesaid; and the sheriff and surveyor of washington County aforesaid to whom the said warrant of resurvey plots and certificates were delivered for the purpose of amending or adding to the said plots and certificates if necessary, return the same to the Court here, as amended, with sundry — depositions taken before them which are in form following to wit.

William Philbee aged forty years or thereabout after being duly summoned and sworn deposeth and sayeth, that the Spot he now sheweth to the sheriff and surveyor, where there is a Stone now lying is the place where Thomas Brooke late surveyor of washington County when makeing the resurvey called True Establishment made the End of the nineteenth line thereof, where the said Brooke caused a Stone to be set up which this deponant thinks to be the same Stone now lying on the Spot shewn to the sheriff and surveyor, and this deponant further sayeth that he acted as a chain carrier and was sworn for that purpose at the time the said resurvey was made, and this deponant further sayeth that within three or four feet of the Spot now shewn to the sheriff and surveyor is the place where the aforesaid Thomas Brooke made the End of the twentyeth Line of the aforesaid (Tract

Tract of Land where the said Brooke then caused a Stone to be set up, which is now gone; and this deponant further sayeth that within about four or five feet of the spot now shewn to the sheriff and surveyor, is the place where the aforesaid Thomas Brooke made the end of the twenty first line of the aforesaid Tract of land — where the said Brooke then caused a Stone to be set up, which is now gone; and this deponant further sayeth that within half of a perch of the spot shewn by this deponant to the sheriff and surveyor, the — aforesaid Thomas Brooke made the end of the twenty second line of said Tract where the said Brooke then caused a Stone to be set up at which place there is now a Stone lying, which this deponant says is the same Stone that Thomas Brooke caused to be set up and this Deponant further sayeth that the Locust tree he now sheweth to the sheriff and surveyor was the place where the said Thomas Brooke made the End of the twenty third line of said Tract where the said Brooke then caused a Stone to be set up which is now gone — and this Deponant further sayeth that the Stone he now sheweth to the sheriff and and surveyor is the place where Thomas Brooke made the End of the twenty fourth and last course of said Tract and further this — Deponant sayeth not.

Wm Philbee

John Smith being of lawfull age after being duly summoned and sworn deposeth and sayeth that at the time Thomas Brooke made the resurvey called True Establishment he this deponant acted as a chain carrier and was duly sworn for that purpose, and that within nine or Ten feet of the Spot now shewn by this deponant to the sheriff and surveyor the said Thomas Brooke made the end of the twenty first line of said tract, where the said Brooke then caused a Stone to be set up which is now gone; and this Deponant further sayeth, that within a perch of the Spot now shewn by this Deponant to the sheriff and surveyor, the aforesaid Thomas Brooke made the end of the twenty second line of said tract where the said Brooke then caused a Stone to be set up, at which place there is a Stone now lying, which this deponant says is the same that Thomas Brooke caused to be set up. and this Deponant further sayeth that the locust Tree he now sheweth to the sheriff and surveyor is the place where the said Thomas Brooke made the End of the twenty third line of said tract where the said Brooke then caused a Stone to be set up which is now gone. and this Deponant further sayeth that the Stone he now sheweth to the sheriff and surveyor is the place where Thomas Brooke made the end of the twenty fourth and last course of said Tract and further this Deponant — sayeth line.

John Smith

whereupon this cause standing ready for Trial, the parties aforesaid by their attornies aforesaid, move the Court here, that the whole matter in the premises between them in variance may be referred, according to the act of assembly in such case made and provided, to persons indifferent between the said parties to be appointed by the Court here, with the consent of the said parties, to adjust the same; whereupon (with