the aforesaid Garret Stonebreaker by his Attorney aforesaid; and the Sheriff and Surveyor of the County aforesaid, to whom the said Warrent of resurvey was in form aforesaid, directed, make return thereof to the Court here, with five plots and Certificates thereto annexed, with the following Depositions taken before them. to wit.

Christian Pinkleys Lpce
vs
Garret Stonebreaker

Warrent of resurvey Issued from the General Court returnable to May Term 94 on a tract of Land Called the resurvey on Kellys Delight lying and being in Washington County.

February 24th Notice given the Plaintiff and Defendant and on the 13th of March to the Surveyor to attend on the Premises on Tuesday the 31st of March in order to proceed on the above business.

Tuesday March the 31st Parties met Agreable to notice Christopher Selchart & Peter Sharer summoned and sworn as chain carriers and Frederick Locher as Bob Beaver, archibald McCoy Sworn and his Deposition taken to prove the beginning or bounded Tree of Rutting Spring. proceeded to lay down the pretensions of the Plaintiff and run from the end of Sixty perches on the last line of Rutting Spring to the end of the fourteenth line of Kellys delight, adjourned to to morrow Nine Oclock, to meet on the premises

Wednesday April 1st Parties met agreable to adjournment and Proceeded on the above Business and run from the end of the fourteenth line of Kellys delight to the end of Seventy perches on the twenty seventh Line of said Tract adjourned until to Morrow Seven Oclock to meet at Mr Christian Pinkleys.

Thursday April the 2d Parties met agreable to adjournment and proceeded on the above business and run from the end of twenty perches on the twenty seventh Line to the End of the twenty eighth line of said Tract, Finished the plaintiffs pretentions by twelve Oclock same day adjourned to One Oclock to proceed on the Defendants Business. — Thursday One Oclock P.M. Parties met agreable to adjournment Jacob Sharer aged sixty one years or thereabouts being on the premises after being daly sworn on the Holy Evangelist of Almighty God deposeth and saith that he knoweth the Tract of Land called Kellys delight and hath seen the said Tract of Land surveyed by James Smith a sworn surveyor in the year Seventeen hundred and eighty four, and that said Smith caused a Stake to be set up at the end of the fourteenth line of said Tract at a place now shewn the Surveyor by said Sharer.

And this Deponant further saith that the said Thomas Brooke

Wrote,

Wrote a Deed from said Sharer to John Hague for the conveyance of a part of the aforesaid tract to contain One hundred and seventy two acres that he the said Brooke did not run the Land himself at the time, nor did he make a Platt thereof but that this deponant saw Mr Brooke examine the Platt thereof made by the said James Smith and heard him declare the said Platt was right, and heard him further declare that the division line between Garrard Stonebraker and Christian Pinkley was to run from the end of twenty perches on the fourteenth line of Carralls part of Kellys delight two hundred and twelve perches instead of two hundred and seventy two perches as expressed in the said Deed, and that the said expression in the Deed of "two hundred and seventy two perches" was a mistake of his the said Brooks; that some time in the year Seventeen hundred and sixty five this deponant being in possession of that part of the Tract of Land called Kellys delight which is now possessed by Gerard Stonebreaker Nicholas Warner then in possession of the part held now by Christian Pinkley This Deponant and the said Warner agreed that the Division Line Between them should be run from A Spot Which he now sheweth the surveyor and that the said Thomas Brooke Did accordingly run the Division Line therefrom in presence of this Deponant.

This Deponant further declares that he was at that time in possession of all that Land on the North side of the said Division fence, and which is now held by Gerard Stonebreaker that he had been in possession thereof from the month of april in the year 1763 and continued in possession of the same till the year Seventeen hundred and seventy seven when he sold the same to Andrew Miller and that he doth not know that any other person than Andrew Miller was in possession of the same untill said Miller sold it to Gerard Stonebreaker; and this Deponant further declares that the division fence before mentioned Now stands where it Originally was fixed and agreed upon Between him the said Sharer and Nicholas Warner and that during the time that this Deponant was in possession of the Land now held by Gerard Stonebreaker and Nicholas Warner was in possession of the Land now held by Christian Pinkley the said Warner and this Deponant mutually kept the said Division fence in repair between them that this Deponant never Heard that Christian Pinkley claimed any Land on the North side of said Division fence where it now stands untill between two or three years before this time; This Deponant further saith that when the said Thomas Brooke was ascertaining the said One hundred and seventy two acres (as expressed

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