where they began before and sighted to the poplar till they came to where the dividing line between his this Depont Brothers land and Captain Cawoods willet land and there fixed a stake from which stake they run their dividing line between said Cawood and said Samuel Edelen down to the run this depont further saith that he understood from James Smallwood that the said poplar was a dividing boundary between the brothers and it appeared to him this Depont that all that were present agreed that it was a dividing Boundary between the brothers and that he never understood otherwise but what it was a dividing line, this Depont further saith that upwards of twenty years ago he was about purchasing some land of John Smallwood which Willet afterwards purchased of said Smallwood and that the said John Smallwood at the time of this deponts bargain with the said Smallwood for the said land shewed him this depont the aforesaid poplar and told him it was a corner tree of the said land. Question by Benjamin Cawood one of the Defendts was the title of the land which you was about marking a division on behalf of your brother then vested in your said brother? answer yes it was then vested in my brother. Question 2d had you any legal authority for making such division? answer no I had no legal authority for doing it. 3d was the course run from the before mentioned stake to the run the course mentioned in the Deed from William Smallwood to James Edelen your father? answer no it was not we set the course to as yet to leave the spring near Mattawoman on Cawood side. 4th Question did John Smallwood informe you that he claimed the land with a straight line from the beginning of Smallwood, meadow to the said poplar? answer we went to an old gatepost standing, and he told me it went from there to the poplar and from the gatepost to the beginning of Smallwoods meadow: Question by the Plff you say in the former part of your deposition that the title was vested in your brother Samuel Edelen was it vested by deed or will? answer by will. Question 2d did not your brother Samuel Edelen desire you to attend to the before mentioned division and did not he engage to perform by entering into writings to be legally executed any direction you make for him and did he not verbally authorise you so to do? answer to the best of my remembrance he did. Question 3d did not you attend to the making the aforesaid division on the behalf of your Brother because he was not acquainted

(a)

or consenting in such business? answer I did. Question 4 what surveyor made the division? answer Elen Clements. Question 5d was he instructed to make a plat of the division lines? answer I think he was. Question 6d was any instrument of writing agreed to be made out confirming the division? answer I think there was. Question 7th was the said Instrument of writing made out and executed? answer no I believe not. Question 8d who was to pay Mr Clements the before mentioned surveyor? answer Mr Walter Smallwood Captain Cawood and Samuel Edelen Equally. Question by Captain Cawood one of the defendts in this Cause was not this Instrument of writing proposed to be entered into to be made conformable to the act of Assembly giving people liberty to make such divisions and to have them recorded? answer I think it was. Question 2d had not your Brother Samuel Edelen a warrant of resurvey executed on this land since the division above mentioned was made and did you attend to that business? answer he had and I did not attend to that Business and further this Deponent saith not.

Edward Edelen

Alexander Hamilton's Lessee
vs
Nicholas Blacklock and
Benjamin Cawood

Taken for Deft

On amendment made October the 5th 1795.

The Deposition of John Robinson aged 36 years a thereabouts after being sworn on the Holy Evangelist of Almighty God deposeth and saith the place to here he now sheweth being at a locust stake now fixed is very near the place where Luke Smallwood Dwelling house formerly stood and to here the said Luke Smallwood lived. this depont further saith that some years ago he was imployed either by Benjamin Cawood by Luke Smallwood to run out the Land Luke Smallwood told Benjamin Cawood at which time he began to run and as well as he can remember ran two lines from the place of beginning which stopt considerably short of a large poplar tree which was said amongst those Present at the survey to be a bounded poplar to which said tree he this depont was informed Luke Smallwood Claimed to. This Depont further saith that on the out side of Luke Smallwoods fence and to the eastward or rather south east of the said poplar tree this Depont was shewn

(a hole)