a hole in the ground where was said to have stood a post in place of a Spanish Oak tree which the said Lake Smallwood as this Deponent understood also claimed to -- Question by plaintiff. In what year was the above survey made: answer I do not remember the year but as I remember it was before Lake Smallwood moved off the Land. Question 1st was Lake Smallwood and Mr. Benjamin Cawood present at the running of the Land and at the time the poplar tree and the hole in the ground above described was shewn you: answer. I dont remember exactly but to the best of my remembrance one or both were present - Question 3d did you ever see a plot of the 333 acres of Land part of Friendship made by and metcalf and devided amongst the four Brothers John, William, Matthew and James Smallwood: answer I did see an old plat on which was the several devisions made all terminating at one point in the middle of the 333 acres at which point this deponent understood the poplar tree before described was generally thought to have stood. This Deponent further saith that to the best of his Knowledge there was a plat of 200 acres of Land laid down adjoining the 333 acres and on the same plat on the south side thereof on which there was a Spanish Oak tree and a hickory tree described standing in the Est & line of the 333 acres - Question by Benjamin Cawood one of the Defendants in this Cause do you remember whether the Course and distance of the sional devisions was marked down on the plat before described: answer they were all marked down and the beginning of each part described. Question 2d do you know at whose request the plat above mentioned was made out and the devisions made: answer I do not know at whose request it was made. Question by Mr. Blackloch one of the Defendants in this Cause: was you not requested by Lake Smallwood & Benjamin Cawood to run out the Land Benjamin Cawood bought of Lake Smallwood: answer I was: did you run the land: I run part of the said land that is to say the first and second Course as expressed in the deed from Mary Smallwood to John Smallwood - Question 2d why did not you proceed to run the land round: answer the second Course and distance fell considerably short of the poplar tree mentioned in the first part of my deposition which Lake Smallwood claimed to and for what Cause I was prevented proceeding I don't remember. Question 3d did you ever run the said lot of Land now in dispute round equable to Course and distance making an allowence for the Variation and at whose request:

(answer)

answer I never did run all round. about two years ago at the request of Mr Benjamin Cawood and Mr. Alexander Hamilton and in their presence I run the three first lines equably to course and distance making an allowance of one Degree for every twenty years and at the end of the said 3d line I set the compass equable to the fourth course and looked through the sights in order to see whether the new dwelling house of Captain Benjamin Cawood stood to the right or left of the said line and found by my observation it stood to the right. and this Depon.t further saith not.

John Robinson

Alexander Hamilton Lessee
v
Nicholas Blackloch and
Benjamin Cawood

Taken for Perp.

On amendment made Octob.r 5. 1795.

The Deposition of Henry Thompson being of lawfull age and legally sworn deposeth and saith that he lived with Mr. Nicholas Blackloch as an overseer in the year 1793 and 1794 and in the year 1794 he this depon.t tended the ground he first shewd in peas and potatoes for Mr. Blackloch & by his direction this ground is in the apple and peach orchard on the Land in dispute in this Cause. This deponent further saith that the ground he first shewd in the lowgrounds he tended in the same year 1794 in Corn for the said Nicholas Blackloch and by his directions and the second piece he shewd in the lowgrounds he tended in Corn in the year 1793 (all except some small spots that were too wet to put in corn) for Mr. Blackloch and by his directions. and in the all he sowd the said ground in Small grain (wheat and rye) except the wet places above mentioned and in the 1794 he reaped the small grain of off the 1st piece of ground mentioned in the low grounds and gathered the corn of off the first. This Depon.t further saith that the 3d piece of ground he shewd adjoining to the foregoing two pieces and extended up the hilly to the poplar tree, was not tended in any thing except a very small piece which was tended in corn and small grain with the rest of the 2d piece and the rest of the 3d piece was in a pasture after harvest. This Depon.t further saith that all the rest of the land contained in Mr. Alexander Hamiltons pretensions as they have been shewd this depon.t that was tended was tended by Mr. Benjamin Cawood in 1793 and 1794 that, that part which was tended in corn in 1793 and a small that was tended in Tobacco was sown down in Small grain in the fall of 1793 about the last of

(September)