It is stated that Lewis Fisher entered into possession by enclosure and claimed as part of Birkheads Chance a part of Beersheba Corrected for more than 20 years which Tracts lay contiguous to each other; and it is further stated that he did not claim the same as part of Beersheba Corrected but as being included within the lines of his own land. and that on a true location the said land so enclosed is found to be within the lines of Beersheba Corrected and that the arbitrators having differed in opinion as to the operation of the act of Limitations on the above State and the same being submitted to my determination I am of opinion that the act of Limitations does not attach and that the Lessor of the Plaintiff is entitled to recover the whole Land included within the lines of Beersheba Corrected as located on the plat filed in this Cause together with his costs of suit.

Philip B. Key (Seal)

And the sheriff and surveyor of Anne Arundel County aforesaid to whom the said aforegoing warrant of Resurvey was in form aforesaid directed and under which leave Was given to Complete the survey, make return thereof to the Court here with one plat and Certificate thereto annexed and Certain depositions, which said depositions are in form following, to wit.

The Deposition of Nicholas Tree (a German) Aged 54 years who being duly Sworn on the Holy Evangels of Almighty God, Deposeth and saith that he has been in this Country 36 years and served his time with James Trotter who then possessed the land we are now on and the said Trotter brought him to the place we are now at and shewed him this deponent a Pear Tree and told him it was a division Tree between him the said William Trotter and William Simmons and the land to the westward was his and the land to the Eastward of the line to this place was William Simmons - And being asked by Plaintiff was you never told by Abraham Fisher or his Mother (Mrs Eleanor Reyan) that the woods to the Eastward of the line you have just mentioned was not William Simmons's - Answers that they both informed him that it was except for 4 Acres - and being further asked by Plaintiff whether he did not assist in getting a Frame or part of a frame of a Tobacco house for the late Abraham Fisher out of the woods to the Eastward of the Divisional line between Mr Trotter and Mr Simmons. Answers yes. and being further

further asked by Plaintiff did not Abraham Fisher then inform you that he was getting Timber of this uncle William Simmonds land which he had given him. Answers yes being further asked by Plaintiff whether he never heard Abraham Fisher or Mrs Ryan his mother say or express some doubts whether they had built the tobacco house on their own land or not, Answers he heard Mr Abraham Fisher tell his mother he was afraid he had built the Tobacco on his Uncle William Simmons land & further saith not.

Nicholas Frey

Taken before Ben Howard Shff. A.A. County Sept. 1789.

The Deposition of Nicholas Tree (a German) aged 54 years who being sworn on the holy Evangels of Almighty God, deposeth and saith that James Trotter and William Simmons brought him this deponent to a white oak standing in the Edge of a Branch where we are now at and told him that this tree was a division tree between them and further saith not.

Nicholas Frey

Taken before Ben Howard High Shff. September 1789.

The Deposition of William Simmons Senr. Aged 60 years being duly sworn on the holy evangels of Almighty God deposeth and saith that his father William Simmons informed him this deponent that the tree we are now at was the beginning tree of a tract of land called Bedworth and that when he sold the land of Thomas Tillard he sold it by the name of bedworth being asked by Plaintiff do you know any thing of a tract of Land called Birkhead or its lines or boundarys. Answers No. being further by Plaintiff do you know or was you ever shewed by your father or any other person the lands of Thornbury Tench Wilson or Rigby, Answers No. being further asked by Martin Fisher Senr. the defendants manager if his father never informed him that the tree we are now at was the beginning tree of a tract of land called Birkhead. Answers No. being further asked by defendants Counsel did you never hear of a tract of land called Beersheba Answers no. being further asked by plaintiff did you ever hear of the name of Beersheba before you sold Bedworth, Ham and Chapmans Discovery to Thomas Tillard, Answers he did not untill after he had sold the land and further saith not.

Wm Simmons Senr.

Taken before Ben Harwood high Sheriff of A A County Sept. 1789.

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