that the call to Petticoats Loose was entered on the Books of said Balder
and that James Hall was a deputy under Balder and made the Survey
of Singery's Trouting Streams by the direction of said Balder. Sworn
to before me this 17 day of October 1798 — James Mackubin

Which being read and heard, and on the prayer of the said Christian
Singery by his attornies aforesaid, and the suggestion aforesaid being
sufficiently proved to the Court here according to the form of the act
of assembly in such case made and provided, the same are granted him:
Whereupon the aforesaid John Goodtitle Lessee of the aforesaid Ezekiel Boring
and the said Christian Singery by their Attornies aforesaid pray the
same Commissions be directed to Caleb Brown, Evan Sloyd, Richard
Wood and Jacob Winters Gentlemen of Mason County in the State of
Kentucky or any three or two of them to examine &c. returnable
to the Court here with all convenient speed &c. and to Shadrach
Bond Senior, Shadrach Bond Junior, Nicodemus Bond and Michael
Squires Gentlemen of the North Western Territory or any three or two of
them to examine &c returnable also to the Court here with all
convenient speed &c. and the same Commissions are issued accordingly:
It is to be understood if the Commissions are not executed and
returned to next Term, that the granting the Commissions will
not be a legal cause for continuing the action at the instance
of Defendant. Thereupon further process of and upon the premises aforesaid
between the parties aforesaid by consent of the said parties and their attornies
aforesaid, and by order of the Court here thereon, is further continued
untill the said second Tuesday of May next,

At which said second Tuesday of May being the fourteenth day
of the same month, in the year of our Lord one thousand seven hundred
and ninety nine, comes again into the General Court here as well
the aforesaid John Goodtitle Lessee of the aforesaid Ezekiel Boring
by his attornies aforesaid, as the said Christian Singery by his attornies
aforesaid: And the said Sheriff and Surveyor of the County aforesaid to
whom the said platts and Certificates were delivered to be amended
return the same to the Court here as amended, Thereupon the
said Christian Singery by his attornies aforesaid takes defence
for all that part of "Boring's Habitation Rock" which is
included in Singerys Trouting Streams, according to the Defendants
location thereof: And this cause standing ready for Trial, Therefore
let a Jury thereon appear before the Court here immediately by
whom and soforth, and who neither and Soforth, to recognize and
Soforth, because as well and Soforth, who being called come, that is
to say, Benjamin Lancaster, Joshua Green, Abraham Haff, William
Oblleary, John Howard, William Johnson, of Jeremiah, Samuel

Judson Coolidge, Daniel Hanes, Senior, Benjamin Murrow, Nicholas Rice,
Samuel Elliott and Samuel Bayly were elected tried and sworn: upon which
for certain reasons, as well to the Court here as to the parties aforesaid appearing,
the said Samuel Bayly one of the Jurors of the Jury within written, on the
motion of the said Christian Singery by his attornies aforesaid to amend
the platts returned in this cause, from the pannell aforesaid is withdrawn
by the Court for the purpose of amending the platts, and the rest of the
Jurors of that Jury are wholly discharged from giving any verdict of
and upon the premises within written, And because the said Christian
Singery is not now ready for Trial against the aforesaid John Goodtitle
Lessee of the aforesaid Ezekiel Boring in the plea aforesaid, the aforesaid
John Goodtitle Lessee of the aforesaid Ezekiel Boring by his attornies
aforesaid prays Judgment against the said Christian Singery for the
Costs and charges which he hath sustained laid out and expended
about his suit in this behalf since the last continuance of the plea
aforesaid: Therefore it is considered by the Court here that the
aforesaid Ezekiel Boring Lessee of the aforesaid John Goodtitle
recover against the said Christian Singery as well the sum of ninety
six Dollars as the quantity of six hundred and ninety six Pounds of Tobacco
the costs and charges which he hath sustained laid out and expended
in and about his suit in this behalf since the last continuance of the
plea aforesaid; And the said John Goodtitle Lessee of the aforesaid Ezekiel
Boring by his attornies aforesaid prays leave of the Court here to take the
Deposition of William Goodwin and that the same may be read in Evidence
on the Trial of the issue aforesaid and it is granted him, Thereupon
the aforesaid John Goodtitle Lessee of the aforesaid Ezekiel Boring by his
attornies aforesaid files in Court here the following Deposition, to wit,

Ezekiel Boring's Lessee } Ejectment in the General Court,
against } Daniel Goodwin of Fayette County in the
Christian Singery ..... } State of Pensilvania being first duly sworn
on the holy Evangels of almighty God
deposeth and saith that a Commission purporting to have been executed
on the 1st day of October 1798 and signed Alexander McClain, George
Yarnall and George Ebert and now shewn to the Deponent and
to which is annexed a Deposition alledged to have been
given by this Deponent was executed in the manner herein
after particularly related, viz. That a certain
Joshua Stevenson called on the Deponent on the day on which
the said Commission was executed, being as the Deponent believes
on Monday the 1st day of October last before the meeting
of the Commissioners and after some conversation with the
Deponent retired — that at the meeting of the said Commissioners
the