Goodfight Lessee of the aforesaid James Gittings by his attornies aforesaid as the said Aquila Hall by Philip Barton Key and James Winchester his attornies and the said Aquila Hall by his attornies aforesaid as before defends the force and injury when and soforth, and takes defence according to his pretentions as they shall appear to be laid down on the return of a warrant of resurvey to be issued in this Cause and the said Aquila Hall by his attornies aforesaid as before defends the force and injury when and soforth and saith that he is in no wise Guilty of the Trespass and ejectment aforesaid in manner and form as the aforesaid Henry Goodfight Lessee of the aforesaid James Gittings above against him hath complained and of this he puts himself upon the Country and the aforesaid Henry Goodfight Lessee of the aforesaid James Gittings in like manner and soforth.

Thereupon further process of and upon the premisses aforesaid between the parties aforesaid by order of the Court here thereon is continued until the second Tuesday of October next. At which said second Tuesday of October being the ninth day of the same month in the year of our Lord one thousand seven hundred and ninety eight comes again into the General Court here as well the aforesaid Henry Goodfight Lessee of the aforesaid James Gittings by his attornies aforesaid as the said Aquila Hall by his attornies aforesaid and the sheriff and surveyor of Baltimore County aforesaid to whom the said warrant of resurvey in this Cause was in form directed likewise come and make thereof return to the Court here with five Platts and Certificates thereof annexed and with the following Depositions to wit.

James Gittings Lessee
against
Aquila Hall

The Deposition of William Everitt aged about sixty two years of age being sworn on the Holy Evangelist of Almighty God deposeth and saith that about sixteen or seventeen years ago shortly after the Commission that Mr. Tolley had on his land as this deponant understood being present with Mr. Tolley and Joshua Tuder they set the stone in the ground that this deponent now sheweth the Sheriff and surveyor and this deponent heard Mr. Tolley say that it was the end of the second line of his land called Tolleys Purchase and further this deponant saith not. Taken and sworn to on the survey this sixth day of September 1798.

William his E mark Everitt
(James)

James Gittings Lessee
against
Aquila Hall

The deposition of George G. Presbury Junior aged about 28 years being sworn on the holy evangelist of Almighty God deposeth and saith that about four weeks agone he the said deponent was at Aquila Halls house and Mr. Hall asked this deponent if he ever was shewn the Cherry tree alledged to in the agreement between Mr. Bosley and Mr. Tolly and he this deponent answered he was not the same day this deponent and Mr. Hall was riding through this field and Mr. Hall prointed to the Cherry tree now shewn the Sheriff and surveyor and said that was the tree.

Question by Plaintiff. Did you not understand by the agreement entered into between Mr. Bosley and Mr. Tolly witnessed by you and which instrument you have since proved that Mr. Tolley was by a good and sufficient Deed to release and confirm to Mr. Bosley and his heirs all the land in Cullens addition lying to the North and South East of the line as described in the said agreement so proved by you Answer Yes. Question by Pltff. Did you not understand by the said Agreement that Mr. Tolly was to fix the lines of his land back to the manor - Answer yes - Question by Pltff. Did you not understand the said Agreement to be utterly void unless Mr. Tolly shoud fix the lines of his land back with the manor line, Answers yes, and further saith not. Taken and sworn to on the Survey this 25th day of September 1798. Taken on part of Pltff.

Geo: Gould Presbury Jr.

James Gittings Lessee
against
Aquila Hall

The deposition of Thomas Nichols the second aged fifty eight years of age being sworn on the holy Evangelist of Almighty God deposeth and saith that at the time old Mr. Tolley had a Commission on his land he this deponent was a Chain Carrier and the surveyor run the manner line about five feet to the East of the White Oak now shewn to the sheriff and surveyor this deponant further saith that there was a Stone laying in the old field near the place where it now set up that this deponent believes to be the same stone now set up in the Ground and shewn to the sheriff and surveyor Being asked by the defendant wheather he this Deponent knew what Course the Surveyor run for the manner line and he saith he dont. Being asked by the Plaintiff doth you mean by your answer to the preceeding question that you know not what point of the Compass the surveyor run from and did you understand that he was running the first

ou