at two stones the north west Corner of Howertons Range that he saw old James Beck run a line for old Henry Hall of Howertons Range from this said place as the third Boundary of Howertons Range, and this Deponent further saith not. — — — Thomas Macgill, Shff. —

Jacob Duvall of John aged and sworn as aforesaid at a white oak and two stones the north west corner of the plain, declareth that he hath known the plain to be held to and from the said white oak ever since he could remember up to the present day by a fence running to and from the white oak near as the lines now run and further saith that the said white oak was shewn him by his Father and his Brother Marsh as the north west Corner of the said plain and this Deponent further saith not. — — — Thomas Macgill, Shff. —

Zadock Duvall aged and sworn as aforesaid at a white oak and two stones the north west corner of the plain, declareth and saith that he hath known the plain to be held to and from the said white oak ever since he could remember up to the present day by a fence to and from the said White oak nearly as the lines now run, and this Deponent further saith not. — — Thomas Macgill, Shff. —

Being asked by Mr. Ashton how far the fence extended from the said white oak saith about Eighty odd perches and this Deponent further saith not. — — — Thomas Macgill, Shff. —

Jacob Duvall of John aged and sworn as aforesaid at a white oak and stone marked thus II being asked by John Ashton what he knew of the said white oak tree answered it has been shewed to me to be the second tree of Ridgely and Tylers Chance he the said Jacob Duvall run to the said tree under a Commission had by Benjamin Ogle at the same time it was proved to be a corner of the plain and a corner of Ridgely and Tylers Chance, being asked by John Ashton who proved the said tree answered his Brother Marsh Marcen Duvall, being asked by the said John Ashton if the tree was shewed to him by his Father John Duvall as the second boundary of Ridgely and Tylers Chance and third tree of Wilsons plains answered that his Father shewed it to him as the second tree of Ridgely and Tylers Chance and a corner tree of the plains, question asked in behalf of Marcen Duvall at the aforesaid White oak and stone marked thus II how this tree came generally to be considered a corner tree of the plains answered supposing Ridgely and Tylers Chance to run here and further saith that he lately understood and for many years past that Ridgely & Tylers Chance was taken up a foul of the plains being further asked if Howard Duvall for thirty odd years past was contending with the Fowlers for Ridgely & Tylers Chance as the plains, answereth yes — being further asked if Howard Duvall was present at the planting of the said stone marked

thus II or ever acknowledged this white oak and stone to be a corner of the plains, answered no, being further asked if Howard Duvall was at the planting and consented to the planting of the north west boundary of Howertons Range and the boundary of the north west corner of the plains planted on a commission had by Benjamin Ogle to Mark and bound Belle-Air, answereth yes, and this Deponent further saith not. — — — Thomas Macgill, Sheriff of Prince Georges County. —

Whereupon, the said Marcen Duvall Junior by his attornies aforesaid, offers himself ready for trial in the plea aforesaid; Thereupon, the said John Ashton by his attornies aforesaid, suggests to the Court here, that he cannot safely proceed now here to the trial of this Cause, and files in Court here an affidavit, which is in form following to wit. — — — — —

John Ashton } Same } General Court, May 28th 1801. —
ag.
M. Duvall } vs. Cornelius Duvall } Action of Trespass. — —

John Ashton appeared before the Subscriber one of the Justices of the peace for the County of Anne arundel this 28th May 1801. and made oath on the Holy Evangels of Almighty God, that to the best of his Judgment and belief he cannot safely try the above actions of Trespass on the present state of the plot returned therein — That the said survey was made without written directions and only by verbal directions from himself — That after the same was completed, and before the return thereof, he called at the House of the Surveyor who was absent from home and that he was thereby prevented from examining the plot and giving further directions — That he is advised that the place where the Trespass was committed by the removal of the fence from the black line running from Letter A to No 2. to the red line crossing the letter P. from the said Letter A. is not sufficiently located on the plot and that he expects to prove the same more fully by the Depositions of John D. Wells and John Wells Junr which latter was not present at the survey — That the Deposition of John D. Wells returned in this suit does not appear to be signed by the sheriff — That this deponent conceives it necessary to lay down all the lines of the tract of land called Ridgelys and Tylers Chance the beginning and second boundary of which are laid down by the Defendant — and that he conceives it necessary to lay down the whole or a part of the tract of land called Belle-Air, the situation of which is noted on the plot — That this deponent did at the said survey verbally instruct the surveyor to lay down the whole of Ridgelys and Tylers Chance — That this deponent conceives it necessary to lay down for illustration a tract of land adjoining Wilsons plains and Carrollton called Duvalls Cowpen and to locate on the plot a Deed thereof from Marcen Howard Duvall