to Cornelius Duvall the Defendant in one of the suits. — James Mackubin. — Therefore it is considered by the Court here, that the said Mareen Duvall Junior recover against the said John Ashton the quantity of One hundred and ninety six pounds of tobacco, for his Costs and Charges by him sustained about his defence in this behalf since the last continuance of the plea aforesaid: Whereupon, the parties aforesaid, by their attorneys aforesaid pray further leave of the Court here to amend their plots and certificates under the warrant of Resurvey aforesaid returned to the Court here in this cause, and to add thereto, if necessary, by the second tuesday of October next, and to them it is granted: and the same are delivered to the sheriff and surveyor of Prince Georges County aforesaid, for that purpose; Thereupon, further process of and upon the premises aforesaid, between the parties aforesaid, (on the affidavit of the said John Ashton as aforesaid) and by order of the Court here thereon is further continued until the said second tuesday of October next. —

At which said second tuesday of October being the thirteenth day of the said month in the year of our Lord One thousand eight hundred and one, and the day of the return of the said warrant of Resurvey, plots and certificates, come again into the General Court here, as well the said John Ashton by Robert Goodloe Harper, William Kitty and Allen Bonrie Duckett his attorneys, as the said Mareen Duvall Junior by his attorneys aforesaid: and the sheriff and surveyor of Prince Georges County aforesaid, to whom the said warrant of Resurvey, plots and certificates were delivered, for the purpose of amending the said plots and certificates or adding thereto if necessary, return the same to the Court here as amended, with the Depositions, which are in form following to wit. — Prince Georges County to wit, September 4th 1801. — Samuel Tyler aged sixty three years being sworn on the Holy Evangels of Almighty God, at a bounded stone standing on the summit of a Hill in Mareen Duvalls plantation, deposeth and saith that by virtue of a commission from Prince Georges County Court, authorising and empowering Robert Magill, Isaac Lansdale and this Deponent, to mark and bound two tracts of land lying and being in the County aforesaid in the possession of John Ashton called Carrollsburgh and Cheneys plantation, and to examine all evidences that may or shall be offered to them to prove the original boundaries thereof, after being duly qualified and having met on monday the 9th day of January 1797 on the aforesaid Hill, this deponent in the presence of the other two commissioners, to wit, Robert Magill and Isaac Lansdale, took the following, Deposition. Thomas Fowler aged sixty eight years being sworn on the Holy Evangels of Almighty God, deposeth and saith; at the time my Father had the Commission uncle John Duvall said that his Father went a squirrel hunting and took him with him and clapt his hand against a tree standing hereabouts

and said it was the second tree of his land called Wilsons planes at the same time Thomas Folkes Davis said that his Father lived on Tyler and Ridgely's chance and my Grand Father came to his Father and shewed him the line tree, and told him not to cut there, for that was his land — Question asked Thomas Fowler by Zadock Duvall on behalf of his Brothers, did the persons who proved this tree prove it to be a second tree of Wilsons planes, answered they proved it to be the beginning tree of Ridgely and Tylers Chance and the second tree of Wilsons planes and at the same time Thomas Ricketts proved it to be the beginning tree of Ridgely and Tylers Chance, and this deponent saith not. — And on the 7th day of June 1798. — at a meeting of the aforesaid Commissioners on the aforesaid Hill in Mareen Duvalls plantation this deponent in presence of the above named Isaac Lansdale, took the following Deposition — Benjamin Duvall Senior, aged Eighty seven years being sworn on the Holy Evangels of Almighty God, deposeth and saith, in the year 1722 when I was eleven years of age, James Carroll came to my Fathers and asked leave to let him run the line from the beginning tree of Wilsons planes to the boundary on the aforesaid Hill in order to put his fence on the line out of the way of the freshes, that said Carroll obtained leave and run the line, and old John Williams and myself carried the chain, the line ended on this Hill at the place above described, where a pair tree then stood near an old red oak stump the original boundary and I was present when the pear tree was planted by James Carroll and my Father, in the presence of all the Fowlers and several other people, James Carroll then tapped me on the back with his whip and said it would make me remember the boundary, Being asked by Mareen Howard Duvall, on behalf of his sons Mareen and Cornelius Duvall, whether John Duvall, deceased had not told him this deponent that he had run the first line of the plains, answered, yes about 25. years ago my Brother John Duvall told me that he had run the said line for his own satisfaction to see where it would go between his Fathers land and the priests, and that it went through the rich bottom near a Mulberry tree, and further saith not. — And this Deponent being sworn on the Holy Evangels of Almighty God, on the day and year first above mentioned at a white oak where a stone was planted by the direction of the aforesaid Commissioners about two perches from the beginning of a tract of land called Wilsons planes in the possession of Mareen Howard Duvall and sons, deposeth and saith, that the said John Ashton shewed the aforesaid white oak to the aforesaid Commissioners as and for the beginning tree of Carrollsburgh in the presence of Mareen Howard Duvall and his Mareen Duvall who made no objection thereto, but permitted the surveyor under the direction of the said Commission to begin at the