4th. Did you help to clear all the Land of James Bosley on hills forrest that was cleared at that time? he answers he did.

5th. Being ask'd by the plaintiff did the Gate of the defendant (Mr. Hall) twenty six years ago hang at the white oak shewn by you? he answers the Gate of Mr. Tolley, now Mr. Halls did hang at the same tree.

2d. Did twenty six years ago Walter Tolley Senr. or his son Walter Tolley Junr. posess the house and plantation that Mr. Hall now lives on being the time you speak of? he answers Walter Tolley Junr. liv'd there.

3d. In what year did you Come in to America? he answers he does not recollect the year but that he came in the year of the stampt act in England, before any disturbance between the two Countries.

4. Who bought you on your arrival in this Country? he answers James Bosley did but that James Bosley was no Captain at that time.

5. How long did you live with Captain Bosley before you Came down to hills forrest? he answers, between four and five months he further saith not.

Taken on the survey for defendant this 5th. September 1800.

Signed Thomas his mark Burrell.

James Gittings Junr. Lessee
a
Aquila Hall.

The deposition of Derumple Ashew aged fifty six years being sworn on the holy Evanjelists of Almighty God in presence of both parties in the Cause the sheriff and surveyor Deposeth and saith That in the year of 1774 he was overseer to Mr. Tolley and look'd after both his plantations and that the places that he has now shewn to the sheriff and surveyor are the places where the fences stood at that time.

1st. Being ask'd by the defendant did the fences as they then stood inclose the land then in the posession of Walter Tolley? he answers, yes; he never heard any person say otherways.

2. Did you cultivate and use the land inclosd within those fences as the land of Walter Tolley? he answers yes.

3. have you been acquainted with the said plantation ever since? yes.

4. Have you not always known the same places to be in the culture

culture and the posession of Walter Tolley and those holding under him ever since? yes

2d. Being ask'd by the Plaintiff after you left Mr. Tolley in the year 1774 were you frequently in those parts and about the land called Cullen's Lot and Cullens Addition and well acquainted with the same, and did you observe the fences as shewn by you to remain in the same places and for what number of years afterwards and how far did you live from the late dwelling house of the said Walter Tolley during said time? he answers he was and well acquainted with the same but did not know it by the name of Cullins Lot and Cullins Addition untill the year of 1799. he further says that he does not particularly know the time the fences were taken away. he further says that from and after the year of 1774 he liv'd between twelve and fourteen years within two miles and an half of the dwelling house of the aforesaid Walter Tolley and after that time has liv'd within seven miles of the aforesaid place.

2. Do you know any thing of a Gate being hung at the white oak shewn by Thomas Burril at the time of your living with Walter Tolley? he answers, yes.

– Did the same Gate hang there while you lived with the said Walter Tolley in the year of 1774 and for how many years afterwards was the Gate hung to the said tree? he answers the gate hung to the tree in the year of 1774. but how many years afterwards he Cannot till.

– Have you seen the fence described by Thomas Burrill from the said White oak where the Gate hung up to the broad rock Stone shewn by him, and do you recollect any fence standing along those places shewn by him in the year 1774 or afterward when you were best acquainted with the said ground? he answers he has seen the places described by Thomas Burrill from the place where the gate hung to the rock stone and in the year 1774 he seen the fences standing in part on the same lines discribed or shewn by the said Burril.

– Was the part of the said fence described by Burril and known to you that part running from the Broad rock stone down towards Mr. Rees or that part running from the white oak to which the gate hung up toward the rock Stone as shewn by Burrill? he answers that part running from the