in this behalf since the last Continuance of the plea aforesaid, And thereupon with the Consent of the parties aforesaid by their attornies aforesaid and by order of the Court here thereon further process aforesaid upon the premises aforesaid between the said parties is further Continued until the second Tuesday of October next.

At which said second Tuesday of October being the fourteenth day of the same month of October in the year of our Lord one thousand seven hundred come again into the General Court here as well the said Richard Smith Lessee as aforesaid by his attornies aforesaid as the said William Goodwin by his attorney aforesaid and the sheriff and surveyor of the County aforesaid in pursuance of the said leave of the Court to amend the said plots and certificates and add thereto if necessary return the same to the Court here as amended &c. with certain depositions taken before them, and which said depositions are in form following to wit.

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The affirmation of Moses Dillon aged Fifty three years being one of the people called quakers, affirmeth and saith that about twelve or fourteen years ago Capt. Charles Ridgely desired this affirmant to attend the surveyor (James Moore) to see the land layed off purchased by said Ridgely from Henry Bennett Darnall, and when they came near the place, now shewn to the sheriff and surveyor by this affirmant that then Capt. Charles Ridgely and Henry Bennett Darnall, George Gudgington and Charles Ridgely Carnan went forward towards the place where this affirmant now stands that some one of the Company hallowed to the surveyor to halt or stop that this affirmant then left the surveyor and came up to this place, at which place this affirmant now stands he found Henry B. Darnall standing at this place and Capt. Charles Ridgely was standing in the bushes to the northward of the said place at the same time there was a dispute when this affirmant came to this place between the said Ridgely and the said Darnall concerning the End of one of the division lines of Charles Ridgely and Henry B. Darnall's land from the manor tree; That Capt. Charles Ridgely said he thought the end of said line was where he then stood; That Henry B. Darnall declared to his God or swore to his God that the said line ended where the s.d Darnall then stood which

which is the place where this affirmant now stands that Henry B Darnall called on George Gudgington to know wheather the said Gudgington had not been show'd the end of the aforesaid line, that the said Gudgington told the said Darnall that he the said Darnall had shew'd him a stake some time before standing at this place as the end of the aforesaid line with that this affirmant went back with the surveyor to his Compass who had left it when the dispute subsisted between Capt. Ridgely and Henry Bennet Darnall about the end of the line that Henry B. Darnall stood at the place where this affirmant now stands for a sight for the surveyor to sight to that this affirmant understood that Charles Ridgely and Henry B Darnall was then renewing the place where the stake stood that was agreed upon by Capt. Charles Ridgely and Henry B. Darnall many years ago to be the end of the line aforesaid and further understood that Capt. Charles Ridgely gave up to the place fix'd by Henry B. Darnall as the End of the line aforesaid, and as Capt. Ridgely gave up this affirmant Expected the End of the line was finally fixed between them; that this affirmant was present when they run out the land aforesaid twice afterwards from this place by reason that the first and second Running did not give Capt Ridgely the full quantity of land he had purchased of Darnall, and that he has never heard Darnall object to this place being the Corner aforesaid, and that Darnall was present at the running above mentioned and agreed on this being the place aforesaid.

Moses Dillon.

Taken on the survey for the defendant the 12.th day of August 1800.

Francis Darnall's Lessee
vs
William Goodwin

The deposition of Robert Howard aged about fifty one years after being duly sworn deposeth and saith that about sixteen or seventeen years ago this deponant heard Mr. Darnall and Mr. Lynch in Mr. Darnalls yard talking about nine acres of land that George Gridgington holds that does not belong to the tract of Land he had from Mr. Darnall asked Mr. Lynch wether he knew what the rock was marked for Mr. Lynch answered yes he did and to the best of this deponants knowledge the said Lynch said it was either the beginning of affinity or the ending of the same, which this deponant now shews to the sheriff and surveyor.

1. Question being asked by the defendant whether he was not sworn at the tree where he now is, about ten years ago in presence of William