But he would describe it to him this affirmant that he might not be deceaved by any one saying that it a red oak stooping toward the falls near to and a little below a rock stone marked C R 1765 when they James Moore and this affirmant came near the place as directed by Capt. Ridgely, James Moore pointed to a tree saying that that was the tree described by Captain Ridgely which tree this affirmant now shewn to the sheriff and surveyor this affirmant further saith he was particularly directed directed by Captain Ridgely to run the line untill they struck the above tree, they did and run two or three times before they struck it; he further saith that Captain Ridgely came to him this affirmant a day or two afterwards and he this affirmant informed him that they James Moore and this affirmant run to the tree as he directed, and he appeared satisfied; and further saith that he never heard Capt. Ridgely say that he was dissatisfied about the running of the above line; and further saith that when Captain Ridgely came to them where they were surveying that he this affirmant then went away nor did not attend again until the survey was finished; he further saith that when Capt. Ridgely gave him the foregoing instructions that he was at hampton five or six Miles off the tree he directed him to run to.

2 being asked by the defendant, shortly after the time you attended on the said survey did not you understand that another boundary was set or claimed in lieu of the aforesaid red oak?

A. Some time afterward how long I disremember, I heard there was a forked spanish oak in lieu of the aforesaid red oak at the rock same distance up the falls above the rock marked C R. 1765. but not from Capt. Ridgely.

Taken on the survey for plaintiff. this 1st day of Sept. 1800. } Moses Dillon

The deposition of Aquila Galloway aged about sixty two years being duly sworn on the Holy Evangelist of Almighty God deposeth and saith that about ten years ago he was at the place where he now is in Company with William Lynch deceased and others, and further saith that the said William Lynch told this deponant that at the place where he now is was agreed on between Captain Charles Ridgely and Henry Bennet Darnall as a dividing Corner of their lands and to the best of this deponants recollections Lynch said it

It was agreed on as the second boundary of the land of Promise.

Taken on the survey for defendant 12th August 1800. } Aquila Galloway.

The deposition of Aquila Galloway aged sixty two years or thereabouts being duly sworn, deposeth and saith that between twelve and fourteen years ago James Moore was imployed to run the given line of the land of promise he said he must run it over and over, untill it hit the beginning tree, when they came down on the opposite side of the falls James Moore (whom this deponant has heard and believes is since dead) said he knew where the tree was so well that he could set his Compass so that he could see it when they cross'd the falls they was within fifty or sixty years of the said beginning tree of the Land of Promise he then set his Compass and run to the tree the stump of which is now shewn to the sheriff and surveyor by this deponant, he further told this deponant it was the beginning tree of the Land of Promise and that there was two bounded trees last down the falls, but did not say of what land.

Taken on the survey for Defendant this 12th day of Augt 1800. } Aquilla Galloway

The deposition of David Smithson upwards of thirty nine years after being duly sworn deposeth and saith that ten or Eleven years ago he the said deponant was called on by Henry Bennet Darnall to survey the land of Promise and that the said Darnall brought this deponant to a rock marked C R 1765 and a mark'd black oak and that the said Darnall told this deponant that the rock and tree was marked as the last boundary of the land call'd the affinity, the beginning of the land of Promise also the beginning of five miles End; this deponant further saith Henry B. Darnall informed him this deponant that said rock was marked with a mill pick by William Lynch at the request of Captain Ridgely and at the same time Mr. Darnall took this deponant up the falls to a three pronged Black Oak tree the stump of which this deponant now shews and that the said Darnall told this deponant that the aforesaid three pronged tree was a tree that Capt. Ridgely would wish to Establish as the beginning tree of the land of Promise; this deponant further saith not.

Taken on the survey for Defendant 22d day of August 1800. } D. Smithson.

The deposition of Micajah Greenfield aged forty eight years or thereabouts being duly sworn deposeth and saith that about thirty two or thirty three years ago James Moore, William Lynch, Henry Bennet Darnall and