Being duly sworn deposeth and saith that about nine or ten years ago he was present at the running of a line in Company with James Baker surveyor and others, they started at spanish oak stump near a Glade and run to a spanish oak standing on the edge of the great falls, which oak is now shewn by this deponant to the sheriff and surveyor; This deponant further saith that he was present at the running of the above mentioned line by Henry Hart and that they began at the same above mentioned stump, and run to the above mentioned oak tree; This deponant further saith not.

Taken on the survey for Plaintiff this 3d day of Sept. 1800. } Benjamin his + mark Roberts

The deposition of Richard Hendon aged sixty nine years being duly sworn, deposeth and saith, that about eleven or twelve years ago he saw and was present when Henry Hart surveyor at the request of Capt. Ridgely started and run from a Black oak tree standing on the edge of the Great falls near a rock mark'd CR 1765 which tree is now shewn by this deponant to the sheriff and surveyor, he further saith not.

Taken on the survey for Plaintiff this 3d day of Sept. 1800 } Richard his + mark Hendon

The deposition of Micajah Greenfield aged forty Eight years or thereabouts being duly sworn deposeth and saith that about twenty seven years ago he was at or near the place where he now stands with his father James Greenfield, William Lynch, Henry Bennet Darnall and James Moore surveyor at which time there was a bounded red oak tree standing on the edge of the Great falls which said tree Henry Bennet Darnall to this deponant was the beginning tree of the land of Promise which tree is now gone but to the best of his recollection believes it to have stood where now shewn to sheriff and surveyor; and further this deponant saith, that Henry Bennet Darnall told him to take notice that it was above the rock which said rock this deponant now shews to the sheriff and surveyor and this deponant further saith that he is Confident that the aforesaid tree did stand within fifty feet of the place now shewn by him, and that the aforesaid tree was a tree pronged tree and further saith not,

Taken on the survey for Defendant this 15th day of Aug. 1800. } Micajah Greenfield.

Whereupon the parties aforesaid by their attornies aforesaid pray further

further leave of the Court here to amend the said plots and certificates returned to the Court here in this Cause and to add thereto if necessary by the second tuesday of May next and to them it is granted and the same are delivered to the sheriff and surveyor aforesaid for that purpose. Thereupon further process of and upon the premises aforesaid between the parties aforesaid by consent of the said parties and their attornies aforesaid and by order of the Court here thereon is further Continued until the second Tuesday of May next.

At which said second Tuesday of May being the twelfth day of the said month in the year of our Lord one thousand eight hundred and one come again into the General Court here as well the said Richard Smith Lessee as aforesaid by Aquila Hall, Philip Barton Key and Zebulon Hollingsworth his attornies, as the said William Goodwin by Luther Martin his attorney aforesaid; and the sheriff and surveyor of the County aforesaid to whom the said plots and Certificates were delivered for the purpose of amending or adding thereto if necessary return the same to the Court here as amended and so forth. And the said William Goodwin by his attorney aforesaid offers himself ready for trial in the plea aforesaid. Thereupon the said Richard Smith Lessee as aforesaid by his attornies aforesaid suggests to the Court here that he cannot safely proceed now here to the trial of the issue aforesaid because the plots and Certificates in this Cause returned are defective and prays a further day may be given by the Court here to amend the said plots and Certificates and to add thereto if necessary; and for that it appears to the Court here that the said plots and Certificates are defective and that an amendment thereto is necessary for the trial of the Merits between the parties aforesaid, a further day is given by the Court here to the parties aforesaid to amend the said plots and Certificates and to add thereto if necessary untill the second Tuesday of October next, and the same plots and Certificates are delivered to the sheriff and surveyor aforesaid for that purpose; And it is also considered by the Court here that the said William Goodwin recover against the said Richard Smith Lessee as aforesaid the sum of fifty seven dollars and quantity of four hundred and twenty seven 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. And thereupon with the Consent of the parties aforesaid by their attornies aforesaid and by order of the Court here thereon, further process of and upon the premises aforesaid between the said parties, is further Continued untill the 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