one come again into the General Court here as well the said Richard Smith Lessee as aforesaid by his attorneys aforesaid, as the said William Goodwin by Luther Martin and John Thompson Mason his attornies 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 soforth, together with certain depositions taken before them, and which said depositions are in form following to wit.

The Deposition of Caleb Owings aged seventy years being duly sworn on the holy Evangelists of Almighty God deposeth and saith, That he carried the chain from the tree now shewn the sheriff and surveyor three different times as the beginning tree of a piece of vacancy taken up for Captain Ridgely and which this deponant has since understood is call'd the five miles End and after the survey was compleated this deponant by the direction of Captain Ridgely marked a Stone as now shewn by him with the letters C R. 1765. which said stone stands about four perches from the said tree but that the Stone was marked as the beginning of said land but to perpetuate and establish the beginning tree; this Deponant further saith that William Lynch was the Chain Carrier at the times above mentioned, and believes that he was present when he this deponant mark'd the aforesaid Rock; and further saith that previous to running the aforesaid Vacancy they run a tract of Land called the affinity except the given line and in running a line in a southerly direction to the falls that he understood that the number of perches was out before they Came to the Falls and that he has seen the given line of the affinity Cited from the place where it struck the falls, which left the aforesaid Rock Stone marked CR. 1765. on the right hand of said Line; This deponant further saith that in making the aforesaid surveys that he never understood that the aforesaid rock or tree was considered as a boundary of any other land than the vacancy taken up by Captain Ridgely and further saith that he thinks and believes that the aforesaid Tree was bounded for the beginning of the aforesaid land but that he does not recollect of bounding said tree himself, nor seeing any other person do it; and further saith not.

Taken on the survey for defendant this 26th day of August 1801. } Caleb Owings.

The deposition of William Hansbury aged forty years being duly sworn on the holy Evangelists of Almighty God deposeth and saith, That he this

Deponant

Deponant in the year 1790 acted as deputy sheriff on an Ejectment of Henry B. Darnall vs Ridgely and Goodwin and that he took a number of depositions on the above Ejectment and amongst others he took one of William Lynch's which mentioned that the white oak and the rock now shewn the sheriff and surveyor was the beginning of some track of Land but that he does not recollect what land and that the aforesaid Rock was mark'd C R 1765. and being examined at another place up the falls He further saith that the deposition of John Allen was taken on the above survey at or near the place now shewn the sheriff and surveyor in which deposition said Allen mentioned of Climbing up and pushing part of a tree in the falls and that he this deponant understood it was a bounded tree and further saith not.

Taken on the survey for Defendant this 26th day of August 1801. } Willm Hansbury.

Whereupon the said William Goodwin by his attornies aforesaid offers himself ready for trial in the plea aforesaid; And 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 said Plots and Certificates in this cause returned are still 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 still defective and that an amendment thereof is necessary for the trial of the merits between the parties aforesaid a further day untill the second tuesday of May next is given by the Court here to the said parties, to amend the said plots and Certificates and to add thereto if necessary and the same are delivered to the sheriff and surveyor of the County for that purpose; 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 Eighty three dollars and fifty Cents and the quantity of five hundred and forty two 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 May next.

And now at this day to wit the said second Tuesday of May being the Eleventh day of the same month in the year of our Lord one thousand eight hundred