George, Levin, Littleton
Robert & Leah Gale
against
Denwood Wilson

Be it remembered that the Plaintiffs in this Cause on the thirteenth day of April in the year seventeen hundred and ninety three, the State of Maryland's Justices of Somerset County Court transmitted to the Judges of our General Court here the Record of an Appeal made from the said County Court by George Gale, Levin Gale, Littleton Gale, Robert Gale and Leah Gale; which said Record here ensues.

In the Records and Proceedings of Somerset County Court, it is contained as follows.— Somerset County, towit. At a County Court held at Princess Ann Town in and for the County aforesaid the second Monday in November being the twelfth day of the same Month, Anno Domini, one thousand seven hundred and ninety two by the Justices of the County Court afsd, according to the Act of Assembly in such Case made and provided, &c—

The Honourable John Done Esqr. Chief Justice — Henry Jackson Esqr. Associate Justice — George Robertson Esqr. Sheriff —

Thomas Hayward Clk pro tem

Wm. Denwood Wilson } Petition filed May Term 1791.
Gd. Levin Gale }

The following Petition was filed at May Term Anno Domini, one thousand seven hundred & ninety one, towit.

To the Worshipful Justices of Somerset County Court now in Court sitting, the Petition of Denwood Wilson humbly sheweth that your Petitioner is seized and possessed of Land which is liable to be overflowed with Water your Petitioner therefore prays your Honors will grant a Commission and appoint Commissioners to layout a way for a Ditch to run through the Lands of Mr. Levin Gale called Stoney Point, agreeably to the directions of the Act of Assembly in such Case made and provided — Denwood Wilson

Whereupon the afd Levin Gale by Gustavus Scott his Attorney comes and defends the force and injury when &c: Whereupon the following depositions were taken on behalf of Denwood Wilson the

complainant and sworn to in open Court, towit. William Rowan aged 76 years being first sworn on the holy Evangels saith, that he has been round and through the Pine pole swamp and the Swamp to the Southward of the Ridge C.D. is of opinion it would be a hard Task to drain the Lands to the Northward of the Ridge into Menskin River, is of opinion that Mr. Wilson's ditches as they are at present would not be sufficient to drain the said Lands, hath lately examined the ditch leading from the Ridge to the Pine pole, is of opinion the Grounds are higher at the side of the Ridge than where the ditch ends & that there is a descent to Pine pole; found the ground near Pine pole most miry & discovered that the Waters carried leaves & other rubbish along with it against old trees & other objects it met with at the end nearest Pine pole; thinks Mr. Wilson's ditches must be much deepened to carry the Water into the River Menskin; is of opinion the ditches on the South Side of the Ridge must be cut six or eight feet deeper than they are at Pine pole to carry the Water to Menskin — is of opinion on viewing the Grounds that there is no natural drain into Dennis's branch where the ditch is cut to intersect it; is of opinion it would take a ditch 9 or 10 feet deep through the ridge by the figures 1 & 2 to convey the water from Pine pole to Menskin River; this deponent tried the height of the said ridge by standing on the South Side thereof and looking towards the North to a fence standing on the North Side of the Ridge, the highest part of which appeared to him to be about five feet or somewhat more, and the said fence did not stand on the lowest part of the said Ground — On cross examination this deponent saith that he doth not recollect he saw any other ditch cut on Mr. Wilson's Lands to the Northward of the Ridge, except the one he hath given Testimony of; is of opinion it would be necessary to cut not less than six feet to unite the 2 ditches from 1 to 2, thinks the ridge may be a foot lower from D to 4, thinks if the Ridge from E to F did not prevent it all waters which fell on the South Side of the Ridge C.D. would run into Menskin if assisted by a ditch, this Deponent speaks of the Ground near black 4, but that they would not without such assistance run to Menskin river; thinks the Water in the pond at figure black 4 would naturally