feet deep would draw the Water from one swamp thro' to the other.
Sworn to this 25th day of May 1791 in open Court.
Test Thomas Hayward Jr. of Sourt. Coty.

The Deposition of John Smith of lawful age being first sworn on the Holy Evangels of Almighty God deposeth and saith that he hath lived with Mr. Gale for the space of four years and upwards in Character of an Overseer, and further saith that he is well acquainted with Mr. Gales Mill Race, and that the Mouth of the said Race is nearly as wide as at the Mill, this deponent further saith that in the course of the four years that he lived with Mr. Gale his Mill was well supplied with Water in the Winter and sometimes has too much, and has seen the Water run over where he has been informed the end of the dam had been cut; and further this deponent saith the Winter passed has been a dry winter & thinks it has been the driest he has seen for sometimes years a since he lived there, and further saith that the last Winter there has been so much Water that the Mill could not grind for the space of two days on account of the back Water, owing to the great Quantity of Water that came down. And further this deponent saith that he hath seen a Quantity of Grain in the Mill, he supposes 50 or 60 Bushels lying some time and could not be ground owing to the Quantity of Water that came down; and further this deponent saith that he does not no of any ditch that leads down to Mr. Gales Mill & says that there is six feet Water in the Mill on the open floor; and this deponent further saith that the water could not be raised any higher than it has been, without overflowing some of the cultivated adjacent Lands; and further saith, that he hath kept Mr. Dennises Mill thirteen Months & Mr. Drummons four years; and this deponent further saith that last Summer Mr. Gales Mill ground once a twice, and says she ground great Quantities of Grain at those times and this deponent further saith that he

supposes that if a ditch was cut into Mr. Gales Mill pond from pine pole it would be a disadvantage in the Winter and would be of no advantage in the Summer; and further saith that the Branch from Pinepole Bridge extends up about one hundred yards and the dam ab.t fifty Yards, and that at the mouth of Mr. Wilsons ditch the Land seems to be pretty much upon a level; and this deponent further saith he was traveling, looking after hogs the winter before last from the pine stump to Inters Road at the letter A. he observed that from the appearance of the See he thinks that the swamp is nearly level. And this deponent further saith that the ditch leading from the letter A. at the side of the ridge towards the pine pole Bridge appears to him to be pretty level and that near the ridge is said ridge there was water about 2 or 3 Inches deep in places for the space of about 10 a 15 Yards on Saturday last, and that there was no water in said ditch any where else, and also says that he see 4 or 5 ditches that he supposes leads unto the aff ditch. On cross examination by Mr. Wilson this deponent further saith that the places at the end of Mr. Gales Mill dam has been cut he supposes about a foot a fifteen a eighteen Inches deep and about seven or eight Inches wide each; and further this deponent saith that the time he mentioned above that Mr. Gale's Mill ground great quantitys of grain in the Summer was a remarkable wet time: And further this deponent saith that as he traveled along between the end of Mr. Wilsons leading ditch & the pine stumps, he says he thinks that the land was something lower than at the end of the ditch, as it appeared to him to be wetter and softer, and also says that as he travell.d to the pine stumps he observed that upon both sides of the path it was lower than at the ditch. Sworn to in open Court this 25th day of May 1791.
Test Thomas Hayward Jr. of Sourt. Coty.

And the Petition aforesaid was continued over to November Term Anno Dom. seventeen hundred and ninety one. At November Term aff. came the aff Dennwood Wilson by his Counsel William Polk Esq.r and suggested to the Court that the aff Levin Gale