

March Court. Ann. 1728.. 168

John Miller aged about thirty three years or thereabouts sworn as abovesaid Deposition
as follows: He says y^e Saw y^e tree which formerly stood on y^e head of Tutty Branch
Cut when it was a young tree Marked off two sides y^e he asked his father concerning y^e
tree he told him he did not know itt was a tree belonging to Mackelare or one of
Wrialham Whites tree & that he has often heard his father say that Wm. Reed, land
Lay in y^e forks of y^e Branches that is Between Back Creek & Tutty Branch to y^e South

are of Tutty Branch & to y^e Southward of that tree
This said tree which y^e said Evidence has sworn to stand on y^e head of Tutty Cut
about twenty one paces from y^e run of y^e said Cut called Tutty Branch Cut of y^e Southward
side of y^e said Cut & likewise about fourteen paces to a white Oak Skipped outwards
standing about West North West from y^e said tree Sworn to abovesaid
The above Examination & Depositions duly Taken the Day & Date abovesaid before
John Single, J^r. Holland

Nicholas Warren — Soudrell J^r: Charles absolute P^roprietary of y^e provinces of Maryland & Avalon
Commissioners affidavits Lord Baron of Baltimore & J^r Edw. Round, James Round, Isaac Breckin
J^r. Gray all of Soudrell C^t. Gent greeting Know ye y^e we have appointed you
or any three or two of you to be our Commissioners to examine Evidence on be-
half of a certain Nicholas Warren of y^e C^t. in relation of Land called Rackliff's late
Discovery Lying in y^e C^t. We therefore require you or any three or two of you at
some time & place as to you or any three or two of you shall seem convenient you meet on
the said Land called Rackliff's late Discovery (you first having taken your Oath on y^e Holy
Evangelist of Almighty God according to Act of a Assembly in which case made & provided) &
then cause to come before you or any three or two of you all such Evidence as shall be to
you or any three or two of you nominated by y^e said Complainant for Deft. if any & that you
examine them upon their Corporall Oath to be by you or any three or two of you administered
on y^e Holy Evangelist of Almighty God in the presents of y^e Complainant for Deft. if any touching
the truth or verities of these Knowledge or any thing it may relate to y^e Cause &
y^e reducing y^e several Depositions into Writing you said y^e same together with this
our Commission under your hands three or two of your Hands to us to our C^t. of Soudrell
with all convenient speed Witness said Hopkins Gent: Chief Justice of our said C^t. &
Only Backside of y^e foregoing Commission it was thus Endorsed viz^t

Edward Round, James Round was duly qualified to Execute y^e within Precipt —
before me one of his Maj^{ties} Justices of y^e peace. Feby. 17: 1728/9 — Wm. Hasitt

In Obedience to y^e precipt hereunto annexed y^e subscribers being duly qualified as
appears on y^e Back of y^e said Precipt having given due Notice met on y^e tract of land
called Rackliff's late Discovery) on y^e 17 day of Feby. 1728/9 & in y^e presents of y^e said Complain-
ant) no Deft appearing came Capt. Willm. Hasitt an Evidence aged 66 years or thereabouts &
being Examined on his Corporall Oath & saith y^e on or at y^e South side of a savanna about
13 paces to y^e Northward of a white Oak some what Markt there or were there stood
a white Oak about 40 years ago) Markt with a surveyors Mark & was always deemed &
supposed to be y^e first Bounder of y^e said Land & also y^e 2^d Bounder of a tract of
Land called Burleigh formerly belonging to one Wm. Tompkins & now their stand a mulberry
Post & further saith Not — Edward Round, James Round —