

March Court 1736 344

or def: if any and that you or any three or two of you Examine them upon their severall oaths to be by you or any three or two of you Examined administered on the holy evangelist of almighty God in the presents of the Complainet or def: if any touching the truth or Remembrance of their knowledge or anything that may relate to the Cause and that reducing the severall depositions into writing you send the same together with this our Commission under your or any three or two of your hands and seals to us to our County Court of Somerset with all convenient speed Witness Rob: King Esq: Chief Justice of our said Court the 20th day of August in the 22^d Year of our Dominion G. Anno Domini 1736

On the back side of the foregoing Commission it was Endorsed This may Certifie that on the eight day of Nov: 1736. Some the within mentioned Commissioners and was Qualified before me to Execute the within Commission Witness my hand the day and year above said

Jn: Smith

March the fifteenth day One thousand seven hundred and thirty six then came the severall Com: mentioned in the above Commission and returned the same to the Court here with the severall depositions following hereto annexed. viz: In Obedience to a precept hereunto Annexed the Commissioners therein mentioned having given due notice and being Qualified met on the above said day on the eighth day of Nov: 1736 and some Jones Richardson Evidence for the Complain: Cap: John Smith defend: aged about sixty three and being sworn on the holy evangelist of almighty God saith that he had heard severall people say that he had heard right against Cherry Bush point where now the said Smith hath thatched tob: houses and tob: ground that against there as he was told was the mouth of Inlet Creek and further saith not

Also for Complain: came John Richards, Esq: aged about sixty years and being sworn as above saith as to the bounds of the said Complain: Land he knew nothing of them but as to the mouth of Inlet Creek Col: Whittington made oath that where now stands a cedar post abouder of the said Smiths Land standing in the marsh about a quarter of a mile to the southward of the said Cherry Bush point was accounted the mouth of Inlet Creek and other people told him it was higher up to the north ward or the narrow of the said Creek and further saith not

The same day came Benjamin Doletan evidence for the defend: aged about sixty six years and being sworn as above saith that about forty eight years ago he carried the chain for Col: Whittington and run the bay line for W^m: Ford which is now Cap: John Smiths and where they ended on the bay line there Col: Whittington told him Mr: Thomas Layfields Land began and further saith that where the cedar post above mentioned stands Col: Whittington and Walter Reed made oath was the mouth of Inlet Creek and further saith not

Also came W^m: Smith and evidence for the def: aged about forty two years and being sworn as above saith that he did not know anything of the bounds of the pasture the said Layfield Land any further then that he heard the said Land was bounded upon Cap: Smiths Land Col: Ford