December Term 1815.

in Lots of Mr. Smith and Mr. Gough but doth not recollect that that circumstance had any governing influence on making the establishment but still recollects of having that circumstance in his mind and further this deponent saith not

Taken on the Survey the 10th June 1811. Jno. Murray
Wm. Merryman Sheriff

James Carroll & Wife
&
Saml. Smith

Baltimore County Court Trespass warrant Survey renewed to October Term 1811. The deposition of Richard Gittings who being duly summoned and Sworn on the Holy Evangels of Almighty God deposeth and saith the said deponent being about forty seven years of age that he this deponent returned from England in the year one thousand seven hundred and Eighty seven and then became acquainted with the Lots of Swan harbour the one at the time belonging to this deponents father and now the property of Samuel Smith the other belonging to John Pearce deceased and now the property of Mr. Goughs devisees that this deponents father put this deponent into the possession of said Lot and permitted him to do as he pleased therewith that he took possession thereof about the year seventeen hundred and Eighty Eight and held the same until it was sold to the said Samuel Smith in the year seventeen hundred and ninety five that at the time this deponent took possession of said Lot he found John Pearce settled on the Lot now held by Mr. Goughs devisees building of ships for sale a yard on said Lot this Deponent being raised a merchant had occasion frequently to employ said Pearce in the line of his profession and while the said Pearce was working for this deponent he was very often on the said Lot and became acquainted with some of the lines and boundaries of said Lots that the line of fencing from a marked red oak near the head of Mullet cove to the corner thereof where it makes a turn all of which are now shewn to the Sheriff and Surveyor was erected when he first became acquainted with the said Lots that is to say in the year seventeen hundred and Eighty seven and that the said fence was built as he understood by the said John Pearce as being on the out line of his Lot This Deponent having never claimed any Land as belonging to his fathers Lot to the Northward of said fence having always considered and admitted the said fence to be on the line This Deponent also saith that the marked standing red oak near the head of mullet Cove was shewn him as a boundary of the said two Lots and also that the corner of the fence where it makes a turn to go to Tobacco house cove was also shewn him at the same time as another boundary both which places are now shewn the Sheriff & Surveyor that this deponent well remembers the said line of fencing from several circumstances especially by a gate post now shewn the Sheriff & Surveyor at which post a gate was hung in the said line of fencing thro which he was accustomed to pass when going backwards and

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forwards between the two Lots that he verily believes the said fence stands on the same ground on which it was originally built and that during all the time he had his fathers Lot under his care John Pearce had possession up to the said fence and so held the possession until the Lot was sold to Samuel Smith by this deponents father That in the year seventeen hundred and ninety one John Pearce contracted with this Deponent for his fathers Lot he this deponent agreeing to take out the price of said Lot in ship work but no writings were ever executed that the said Pearce under the said contract took possession of said Lot and cut timber thereon and exercised acts of ownership over the same for about four years that he never made any payment towards the same for whenever a ship was finished the said Pearce has drawn so largely that nothing was left to go towards paying for said Land this deponent then seeing there was no probability of getting paid for said Land took the same back again with the consent of said Pearce This deponent is well assured from his knowledge of the Lot held by his father that no timber had been cut therefrom by Pearce antecedent to this Deponents taking possession thereof This deponent further saith that before he sold the said Lot to John Pearce he has an indistinct recollection that Pearce come to him and told him that there were some trees blown down on this Deponents fathers Lot & offered to buy them this deponent recollects that he sold the said trees to Pearce at the price he offered for the same - this deponent further states that John Pearce died about the year seventeen hundred and ninety five owing indebted to this Deponent near three thousand dollars that this deponent and Thos. Cole Administered on the Estate and took the above mentioned Lot into possession & held the same two or three years during which time it was rented to Benj. Wales further this deponent saith not - Richd. Gittings
Wm. Merryman Shff.

Taken on the Survey June 16th 1811.

James Carrole & wife
&
Samuel Smith

Treapass Balto. Co. Court
Warrant of survey renewed to October Term 1811
The deposition of Josias Watts aged fifty four years being duly summoned and sworn deposeth and saith that about two years ago he went into the woods and found the people of Saml. Smith cutting down trees Saml. Smith being present that the trees cut down were those shewn to the Sheriff and Surveyor the 20th May 1811 the said Samuel Smith being asked why he cut them down he said that he wished to bring on a Law suit between him and Mr. Carroll and that his people cut them down by his the said Smiths direction This deponent further says that immediately after Benjamin Watts left the Lot of Swan harbour formerly owned by Pearce he this deponent came to live thereon first as the Tenant of Thomas Cole but before the year was out Mr. Gough purchased the Lot of Cole thereto as this deponent understood and he then became the Tenant of Mr. Gough & paid him the years rent that he has lived thereon ever since to the present day