the place where stood a house in which hemp was hackled during the time that William Lux and Daniel Bowly carried on the Rope making business in the Rope walk at the north end of which said rope walk the said house stood, also there a chimney stood, and also some locust trees which stood close along the west side of said rope walk. Upon the cross interrogatory of the Defendant, the Deponent says, that the space being forty five feet, which he now shews the Sheriff and Surveyor, is the space which was between Mrs Davis' dwelling house and the line of the Defendant and which space the deponent had agreed to lease from William Russell for three dollars a year, but a lease was never executed for it, and that this Deponent bought from said Daniel Bowly, after the death of George Lux, not only the above forty five feet, but also all that piece of ground, which had been in possession of said Mrs Dare.

Taken this 30th day of Jan.y 1812.

Christian Baum.

The Defendants then offered and read in evidence the following deposition of Mary Yager who was the sister of the above mentioned Margaret Baum, the witness examined as above mentioned by the Plaintiffs, and which Mary Yager was sworn on the Survey in the case of Bowly's Lessee v. Lammott, and her deposition taken in writing, which it is agreed is to have the same effect as if the same had been taken in this cause, she being admitted to be dead.

Daniel Bowly's heirs
vs.
Daniel Lammott.

Mary Yager of lawful age, being produced and sworn on the Survey in the above cause, deposeth, that the place now shewn by her to the Sheriff and Surveyor is a lot of ground which was occupied by her mother, Catharine Dare, during her lifetime, by the permission of George Lux, and that there was a ditch around the whole lot. This Deponent remembers, that sometime after her mother went into the house of Lux, that she obtained permission to cut down a tree, for the purpose of obtaining rails and fire wood, that the place now shewn is the spot where the said tree grew, according to the best of her recollection. that the said tree was cut down by a blackman, the slave of Mr Lux, and the rails and fire wood therefrom were used by her mother.

Taken the 2d day of March 1812.

Mary her x mark Yager

And the Defendants also offered and read in evidence the deposition of the said Christian Baum, taken on the Survey in Bowly's Lessee v. Lammott above mentioned (which depositions were read and used in this cause by agreement) which said deposition, being taken on behalf of the Plaintiffs, he being since dead

Daniel Bowly's Lessee
vs.
Daniel Lammott.

Eject. in Balt. County.

The deposition of Christian Baum of lawful age, being duly sworn and sworn, deposeth and saith, that he recollects that early in the spring in the year 1787, that he undertook was the time he, the said Daniel Lammott, purchased the first lot of 14¼ acres of land, on which he had begun to form his tan yard, and some time in the summer or the fall, the said Daniel Lammott moved into the house he now lives. This Deponent further saith he recollects that early in the spring 1789 William Russell came to this deponents mother in law, Katherine Dare, and gave her permission to cut a large oak tree which stood on the last purchase of land, made by the said Lammott from said Russell, which last purchase, this Deponent understood was made a few days after the tree was cut down. This deponent further saith, that the same day when the said Russell called on his mother in law Katherine

Dare, and agreed with him, this Deponent, for 45 feet of ground, which lay between the residence of his mother in law, and the Defendant, D. Lammott's lines. This Deponent further saith that after the death of George Lux, he purchased the 45 feet, which he agreed for with Russell of Daniel Bowly, and also all that part his mother in law had in possession. he also recollects where the rope walk was, he saith he saw them making rope when they extended as far as German Street, where the round any line stone stands. This Deponent further saith, that Daniel Bowly told him he had agreed with D. Lammott, the Defendant in this case, to the first purchase, which purchase he said he was satisfied with, and should never claim it. that it was to pay a bond Mr Gough held in which he was bound with Lux, which bond he stated did not originate with him, and further this deponent saith not. Taken on the survey March 17 1812. Christian Baum.

And the defendants also offered in evidence by Col. John E. Howard, a competent witness, that when Russell came into possession of Chatsworth, he claimed under George Lux. That George Lux was a young man of idle habits, and Mr Russell had the management of the estate for the benefit of George Lux. That after Russell gave it up, the witness did not know any person in possession except under George Lux, and did not know under whom Mrs Dare claimed the possession of the house at T. In addition to the evidence stated above, all of which was permitted to go to the Jury, the Defendants, for the purpose of further showing, that if Bowly sold to Baum, a part of the said land devised to him, as stated in the testimony of Margaret Baum, or that he claimed title thereto as stated in her testimony, that he claimed and sold the same under the title of George Lux, offered to read in evidence the following deeds from the original record books now produced here in Court - that is to say, the deed from George Lux to the said William Russell dated 17th April 1787, and also from the said Lux and Russell to said Bowly dated 7th May 1796, and from said Bowly and Lux to Sarah Stewart, dated 7th July 1796, and from said Sarah Stewart to said Bowly dated also 7 July 1796.

George Lux
to
William Russell.

This Indenture made the seventeenth day of April, in the year of our Lord one thousand seven hundred and eighty seven, between George Lux of Baltimore County in the State of Maryland, Esquire of the one part, and William Russell, of the same place of the other part: Whereas the said George Lux is indebted to several persons, in large sums of money, which he is desirous to discharge, and also, that a jointure may be settled on Catharine, the wife of the said George Lux, and for the preferment of the issue of the bodies of the said George Lux and Catharine his wife, to be begotten. Now this Indenture witnesseth, that the said George Lux, for divers considerations him thereunto moving, and especially in order that his debts aforesaid may be paid, and that a jointure may be settled on Catharine Lux, the now wife of the said George Lux, and also for the preferment of the issue of the bodies of the said George Lux and Catharine, his wife lawfully begotten, or to be begotten, and also of the heirs of the body of the said George Lux, and also in consideration of the sum of five shillings current money, to the said George Lux, by the said William Russell in hand paid, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath given, granted, bargained, sold, enfeoffed, released and confirmed, and by these presents doth give, grant, bargain, sell, enfeoff, release and confirm unto the said William Russell and his heirs, all that part of a tract of land called and known by the name of Chatsworth