June Term 1860.

April 14th 1853 Francis Quinn,
Sworn Chain bearers Bryce

Keener
vs
Kaufman

Circuit Court for Baltimore County
Trespass Q. C. F.

Plaintiffs Testimony in the presence of the Surveyor and Sheriff.

Mr Weir aged about 43 years being duly sworn deposeth and saith That he knows the fence now standing on the South side of the public Vault to have been on the North side of said Vault and in the line of post holes referred to in the testimony of P Powers Mr Seabrook and J Jennings, N Tyson and James E Tyson and that it was standing there on the Evening of the 3d April 1852 and was removed some time during the Night of said 3 April or between that time and the following Monday Morning and that it was put up in its present position on Thursday the 8th April 1852 and was put up by Warren Kaufman and others under his direction and that while in the act of so doing he ordered him to stop and not to trespass on the property of C Keener. That the Kaufman replied that at all events he would put it up. He also testified that when he came to work at the Ivy Cemetery on or about the 6th day of August 1851 the lot on which said Cemetery is now located and which has been to day resurveyed was then enclosed by fences according to the lines this day run out, and that the fence on the northern side thereof on the lines of post holes now to be seen south of the public Vault, and being the same fence as testified to by Mr Powers Mr Jenkins N Tyson and James E Tyson;

April 11. 1853 William Weir.
J Stone Sheriff of Balto Co.

Keener
vs
Kaufman

Circuit Court for Baltimore County
Trespass Q. C. F.

Plaintiffs Testimony in the presence of the Surveyor and Sheriff Joshua Jennings aged about 59 years being duly sworn deposeth and saith That he has known the property upwards of twenty years and rented of Nathan Tyson as far back as 1836 and knew the fence to have stood on the Blend mentioned in the deed from Nathan Tyson and others to C Keener Trustee of which a public Vault is now standing and where the line of post holes can still be seen running westwardly from the West side of the old Gorsuch Road and from whence a fence appears to have been removed to the Western Cemetery land for upwards of twenty years having rented the property mentioned in said deed from Nathan Tyson for four or five years, and has known the said fence for twenty years and was as the dividing line between said Tyson property and what was Jessops Lot, known as such and subsequently as Davis and now as Kaufmans Lot, and also knows there was a strip of woods on the South side of this fence being the same woods referred to by James E Tyson in his testimony but of the trees are now standing that were as near the line of the said fence as they could well stand, and the said Lot rented by him is contained within the bounds of the Lot described in the deed from N Tyson to C Keener as surveyed this day,

J P Stone Sheriff of Balto Coty. Joshua Jennings.

June Term 1860.

Keener
vs
Kaufman

Circuit Court for Baltimore County.
Trespass Q. C. F.

Plaintiffs testimony taken in the presence of the Surveyor and Sheriff.

James E Tyson aged about 36 years being duly affirmed deposeth and saith. I have known the property since 1836 and have always known this second line where the fence appears to have been removed from running from the Gorsuch Road westwardly to the Western Cemetery fence as the called Northern line of this property. There was a strip of woods within the line from where a fence appears to have been removed which I sold to Mr Myers some years since as a agent for Nathan Tyson Trustee.

J P Stone Sheriff of Baltimore County. James E Tyson.

Thereupon further process of and upon the premises aforesaid between the parties aforesaid by consent of the said parties by their attorney aforesaid and by order of the Court here thereon is further continued until the fourth Monday of November next, At which said fourth Monday of November to Wit in the year last aforesaid comes again into the Circuit Court here the parties aforesaid by their attorneys aforesaid Whereupon the parties aforesaid by their attorneys aforesaid pray leave of the Court here to amend the pleas and explanation returned to the Court herein the plea aforesaid and to add thereto if necessary and to them it is granted. Thereupon further process of and upon the premises aforesaid between the parties aforesaid by consent of said parties by their attorneys aforesaid and by order of the Court here thereon is further continued until the first Monday in March next, At which said first Monday in March to Wit in the year of our Lord 1854 comes again into the Circuit Court here the parties aforesaid by their attorneys aforesaid Whereupon as before further process of and upon the premises aforesaid between the parties aforesaid by consent of the said parties by their attorneys aforesaid and by order of the Court here thereon, is further continued until the fourth Monday in November next, At which said fourth Monday in November to Wit in the year last aforesaid comes again into the Circuit Court here the parties aforesaid by their attorneys aforesaid and afterwards to Wit on the 11 day of January in the year 1855 five additional pleas were filed to Wit.