since he first knew it, says at an ordinary low tide the Marsh is bare as low down as Steppa Island, says at low tide could walk dry as far without water far as Steppa Island, says the formation of Marsh is caused first by huckabacks being surrounded by Water then the formation of cat tails and then becomes alluvian land, says that this Marsh is formed in this way, says the continuation of this Marsh is filling up in the same way, says at the formation of these huckabacks canoes between them in a Boat until they become so filled up cannot pass with a Boat, says after alluvian lands are formed it frequently happens that these snaches are cut through by high tides, says he has never seen but the one through and through the Marsh, says has no knowledge of any snaches or cut through below the one above alluded to, says there is considerable of huckabacks formed below this snash. Says there is least one acre of these huckabacks, says he has been in the habit of gunning over the Marshes for 18 or 19 years, says his knowledge of this snash across the Marsh has been for eight or 10 years. Says the snash when he first knew it could go through with a small Boat at common tide says it was 8 or 10 feet in width, says a boat drawing 3 or 4 inches Water at a common tide could pass through, says at low tide could not pass through, says it has increased in width considerably since he first knew it and also in depth, says the snash alluded to by the Witness is at the mouth of the big Gunpowder Falls, says there is a flow of water between Snipe Island and the Mainland of William Day caused by the flowing and ebbing of the tide, says had been gunning around Snipe Island and has been a shot at from the spring house of William Day,

Benjamin his mark Freeman

Test L. J. Quinlan,

Thursday May 26th 1859.

Testimony of William Ensor for plaintiff says he has been well acquainted with the Allanan lands at the mouth of the Gunpowder Falls from gunning frequently over them, says the lower end of the allanan lands have increased considerably since the first knew it on the South side of the Falls, says he knows there to be a thoroughfare or snash across the Marsh, says sufficiently wide to admit a small Boat so as to pass through it at high tide, says he cannot pass through on a common ebb tide, says that at low Water has seen it that there was not more than one foot Wall of Water running through, says it has increased in width and depth very much since the freshet of June 58, says there has been considerable of filling up at the mouth of the Falls immediately below this snash, says the passage of lumber and drift through this snash the June freshets of 1858 caused it to be wider and deeper, says from the time he first knew it he could perceive but little change until the freshet of June 1858. says he never saw any snash across the Marsh below the one above alluded to, says there is considerable of Marsh below the snash with no cat through it

William Ensor

Test L. J. Quinlan.

Friday May 27th 1859

Testimony of Thomas Reynolds M D for plaintiff says he has been fishing in the Falls about seven years, does not know about the appearance of the Marshes previous to that time there was a continuation of Mud flats with some huckabacks

on them, says he considers the mud flats below Snipe Island an alluvial formation to Snipe island at a high tide the Water overflowed the Mud flats and Marshes at common low tide the Mud flats were bare, that was the state of things when he first knew it has crossed the Mud bar where the snash now is at high Water when the Marshes were under Water, at the time when I crossed the mud bar, when the snash now is, could have crossed the mud bars below. Crossed this mud bar for a year out to get into the Cove, could have crossed any where at that time in the immediate Neighbourhood of the Mouth of the Mouth of the Falls, recently passed through a snash at high Water at the Mouth of the Falls, never saw any snash before last summer have been in the habit of hauling the Seine at the Mouth of the present snash can haul the Seine in the Channel of the Falls there is a mud bar forming just below the Mouth of the present snash there is also a sand bar forming in the Middle of the Mouth of the Falls, believes the present snash was caused by the Mud flat, and sand bar at the Mouth of the Falls has seen the Mouth of this snash bare at low tide last year at common low tide,

Test L. J. Quinlan

Thomas Reynolds M D

Friday May 27th 1859

Testimony on cross examination of Thomas Reynolds says he has been in this part the County for 12 years about 12 years ago, he was at the house of William Y Day fishing did not fish in the Falls, never saw any stakes across this snash three years ago saw some there about 1st of June 1858. was there in the June of the previous year saw none then,

Thomas Reynolds.

Testimony of John Bennett for plaintiff Is sixty seven years of age has been acquainted with the allanan lands at the head of the Gunpowder River has known a channel across the Mouth in the direction of Ferry Point Now Y Days Main Land this channel was from the Gunpowder Falls has been a stone planted at the beginning of Snipe Island some 40 feet below the channel says that the stake set down by the Surveyor was within 40 feet of said stone, was a chain carrier in the Survey, the Width of that channel was some 40 feet being the narrowest part where the tide was up, The water was some 3 feet deep in said Channel. The chain was carried along the Margin of the Water, at the time of the Survey, all the lands and Huckleberries that was visible in the River below, and to the Ferry Threadens Channel included in the Survey, the line then ran with the said Channel to the place of beginning, at that time all the Marshes were overflowed at high tide, says the tide ebbed and flowed above this Channel to the Mainland of Taylors Enlargement has known the Channel 40 years ago.

John his mark J Bennett

Test L. J. Quinlin,

June 14 1859

Testimony of Thomas Reynolds for plaintiff says that he was hauling the Seine in the Falls on Saturday last on low water, the snash was bare the surface of the Water was below the snash

Thomas Reynolds

June 13 1859.