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there Dont think 40 men can move that stone, Heard Mr John T Day say to day that 40 Men could not move it.

Jurat Defore John R Barnes.

L. G. Quinlan,

At the same time before the Subscriber personally appeared John A Day, a Witness of lawful age who being duly sworn on the Holy Evangelys of Almighty God deposes and says, John A Day is 22 years of age is a son of Mr William T Day Executor, lived all his life with his father at his residence at Taylors Mount "near the premises, is well acquainted with the premises "Mud Island and Snipe Island" knows the Thoroughfare or gut between Mud Island and Snipe Island has been through it in Boats hundreds of times. It has been there in the same place exactly and presenting the same general appearance, except that it is a little Wider now) ever since Witness can recollect, He has been gunning in these Marshes, ever since he was large enough to carry a gun, Has seen seine Boats pass through it has been through himself, in a two oared Boat, with four and five persons often, Recollects going through there in about with four young ladies and a gentleman besides himself on a fishing excursion, This was 4 or 5 years ago, Has seen John T Day go through there, Has seen John T Days seine Boat with a crew of four or five persons and the seine go through there several years ago, Seen Dr Reynolds in the seine Boat go through there several years ago, Never have seen under any tides, or at any time the whole of this gut or thoroughfare bare, three fourths of the low tides, you can row through it in a two oared Boat, even when there was a strong North West Wind which drove the Water off the flats along the Cove, there was Water between Mud and Snipe Island, About 3 years ago Deponent put stakes at the request of the Executors, his father across this thoroughfare to try if he could fill up. Some of these stakes were washed away and others staffing filled up. They remained there about 18 months. They were poles and half rails and fixed in about six feet, never saw at any time this gut bare, Water there at any stage of the tide and at all times, never saw water flowing from the faces around the head of Snipe Island into the Cove, Snipe Island is part to the Mainland at ordinary low tide, you can Walk from your Fathers field onto Snipe Island, it adjoins it, Witness has waded it gunning with shoes on, without getting his feet wet often. The Pile of stones pointed out by Mr Barnes and referred to in his testimony Witness has often observed, has always heard the pile of stone was the second boundary of Taylors Mount" The stones have never been moved, Know exactly how they are situated, they are in the same position and same place they always have been Dont know how far the large stone is in the ground Doubts whether it could be removed by Crowbars judging from the appearance, it weighs 3 or 4 tons.

X Ex by John T Day.

Deponent is son of the Executor Wm T Day,

Sworn before L G Quinlan J P.

John A Day

At the same time Executor produced Hudson Woods,

A Witness of lawful age who being duly sworn on the Holy Evangelys of Almighty God, deposes and says, That he is 22 years of age, Has

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lived in the Neighborhood all his life, Is acquainted with "Snipe Island" "Mud Island, saw the Thoroughfare or gut between them in 1851. Did not go through there, but it was pointed out to Deponent as Mr William Days Thoroughfare, Witness was in about going down the Faces saw the Water there In 1854 Deponent passed through this Thoroughfare in a Boat with another person, this was the first time deponent ever passed through it, though he has been through it frequently since He has gone through it in a row Boat with five people in most he recollects about the tide, thinks when he first saw it, it was not quite so wide as it now is, in the Mouth any how. Thinks the difference between its present width and its width when he saw it first there or fourteen feet at the Falls Mouth it is 3 or 4 feet wider now than it was then, There is always Water in the Middle of it Has seen it bare at the sides or flats at dead low tide, but there is always Water in the Middle, Dont know any thing about water from the Falls running into the Cove around head of Snipe Island" Knows Albert Allen, a Witness who has been Examined for the Executor, that with him to Mr John T Days late one Night to get some Money, It was after Allen had been down there With Mr Day, dont know whether his Evidence has been taken or not, after he came from John Days he had some Money, Hears Mr John T Day say to day that he had paid him $3 for his attendance as a Witness that Night, Knows Albert Allen Character for truth in the Neighborhood, Hardly knows whether he would believe him on his Oath or not, He is a pretty hard case, In some cases would not believe him, His reputation for truth is bad, He will hardly ever tell the truth when a lie will do, Witness knows him well and knows his character, lived in the same house with him 2 or 3 years.

Jurat Defore L G Quinlan

Hudson Woods.

X Ex by John T Day.

Always Water in the Channel between Mud Island and Snipe Island "The Water is deeper in the Middle, at dead low tide it is bare at each end, Considers low tide is the last of ebb tide both sides bare at dead low tide, Sometime tides it is not bare, sometimes there is no Water in the River, Has seen Kings Cove dry. It is not bare at the common ebb tide but low tide it is bare Has had no quarrel or Misunderstanding with Albert Allen, always on good terms Never attempted to go through the Channel Without succeeding most through in a round bottom Boat with three persons, when the Boat must draw nearly two feet of Water, we stuck at each end and got through. We had a Mag on the Boat.

X E X At an ordinary low tide there is Water all the way across, Yesterday there was an Ordinary low tide and I went through it in a Boat, it was about as I always found it Yesterday was a very calm day and the Weather has been calm several days, yesterday the tide was an ordinary tide, At ordinary low tide, as yesterday low tide there was sufficient Water to go all the Way through the Thoroughfare in a boat Witness went through in a boat with three persons in, At ordinary low tide there is Water all the Way through this Thoroughfare or gut between "Mud and