Justice of the Peace in and for the City of Philadelphia, who being duly sworn on the Holy Evangelys of Almighty God deposeth and saith

I am the son of the Caveator age 25 years and a resident of the City of Philadelphia, I was present at the time the stone was shown by Mr Edward and my Father in the controversy between John Y Day and Mr Joseph and Edward Patterson to the Surveyor.

The stone shown was the second tree of Taylors Mound said stone lyes in the Water about 40 yards from the Fence on a line with the Fence coming down the Creek, it is the largest stone there, about ten or twelve feet below lies another stone which is not so large, they all stated this second tree of Taylors Mound was the beginning of Taylors Enlargement, since my earliest recollections I have a perfect knowledge of the thoroughfare between Snipe Island and Mud Island, have passed through it often and seen Boats frequently pass never found any difficulty in the passage, I am well acquainted with Snipe Island, have frequently Marked over it, quunce over it, It is fast land to my Fathers Main Land, and a solid bed of high grass extends from the Fales entirely across to my my Fathers Fence. From the head of Snipe Island stakes from the line between North and my Father to the thoroughfare between Snipe and Mud Island there is not any opening to the Fales.

Edward A Day.

Sworn and Subscribed before me this 26th day of October A D 1859.

C Brazier Ald & Ex office J.P.

State of Pennsylvania
County of Philadelphia

I Edward J Webb Prothonotary of the Court of Common Pleas of said County Do certify that C Brazier before whom the annexed affidavit was made, was at the time and now is an Alderman and ex officio Justice of the Peace of the City of Philadelphia duly commissioned and qualified to administer Oaths and affirmations and to take acknowledgments &c and to all whose acts as such full faith and credit are and ought to be given as well in Courts of Judicature as elsewhere and that his signature thereto is genuine,

In testimony whereof I have hereunto set my hand and affixed the seal of said Court this 26th day of October A D 1859

Court of Common Pleas of Philadelphia

Edward J Webb.
Prothonotary.

John Y Day Caveator
vs
Wm Y Day Caveatee.

Mud Island, standing in the Land office of Maryland for hearing on the third day of November 1859 due notice having been given that evidence would be taken in Philadelphia when Jam Roth appeared before me the Subscriber Charles D Freeman a Justice of the Peace in and for the City of Philadelphia, who being duly sworn on the Holy Evangelys of Almighty God deposeth and saith

City of Philadelphia, I am 50 years old am resident in the City of Philadelphia I am the owner of a part of Taylors Mound estate which I purchased from John Y Day that my knowledge of the second tree or stone of

Taylors Mound I received from Wm Y Day and Mr Pennington, I have given other depositions in this case but I never gave a positive deposition where the stone stood for I cannot recollect, I think in the last deposition I say it was about two chains out before I saw it measured but after I saw it measured I thought it was further out but as for the distance I cannot not swear positive where it was for when it was shown to me, we waded out on the ice and I took no Mark on for that reason I cannot not tell anything about it, I never swore that the stone was removed neither did I ever swear that I believed it was removed,

Sworn & Before me subscribed in October 27 A D 1859.

Before me,

Charles D Freeman Alderman.

State of Pennsylvania, County of Philadelphia

I Edward J Webb Prothonotary of the Court of Common Pleas of said County, Do certify that Charles D Freeman before whom the annexed affidavit was made was at the time and now is an Alderman and ex officio Justice of the peace of the City of Philadelphia duly commissioned and qualified to administer oaths and affirmations and to take acknowledgments &c and to all whose acts, as such full faith and credit are and ought to be given as well in Courts of Judicature as elsewhere, and that his signature thereto is genuine.

The Court of Common Pleas of Phil.

In testimony whereof I have hereunto set my hand and affix the seal of said Court this 27 day of October A D 1859.

Edward J Webb.
Prothonotary

The following Certificates Letter and Deposition were filed by the Caveator on the 3d of November 1859.

State of Maryland Balto Co To Wit

I hereby certify that I have been duly appointed by the Surveyor of Baltimore Co as a Justice of the Peace to take testimony in the case of John Y Day vs Wm Y Day and that I have performed that duty for plaintiff up to 21 Inst. The case then being continued to 3d Inst I then proceeded to take testimony for Defendant and on the 3d day of taking testimony, The plaintiff John Y Day called on me to summon Witnesses for him, that he might go on taking his testimony, and that I told him I could not until Defendant was through, as it was impossible for me to take testimony for both at the same time, as the Defendant claimed the right to continue until he was through with his testimony and that I stated to Plaintiff that when through I would go on and take his testimony, that the plaintiff did not wait but called on another Magestrate and proceeded to take his testimony.

J G. Quinlan J. P.

Baltimore Co Nov. 2d 1859.

Land office
Annapolis 30 June 1851

Dear Sir,