Fifth. Have any changes and what been made in the fences of the property of Flannegan and Trimble, and when were the same made, describe the property as originally enclosed and as now enclosed – State all the particulars.
Sixth. During the time you have known the property has there been any difference, and what prior to the obstructions erected by William West as heretofore mentioned by you between the mode of using the space of ground adjoining Union dock and 45 feet west therefrom and the ground still furthermost, commencing at Wilkes Street and extending to Complainants property and what knowledge have you as to any street west of and adjoining Union dock.

George M. Gill for Respondents.

Henry White
vs
Andrew Flannegan
and others.

In the Superior Court of Baltimore City — In Chancery
In pursuance of the Order of Court remanding the Commission issued in the above cause to me, I John Carrere do hereby certify, that on the Sixteenth day of February A.D. 1852. the following depositions were taken on the part of the Defendants. Robert Hooper. A lawful age produced sworn and examined on the part of the Defendants deposes & says. as follows.
1st To the First Interrogatory he answers that he knows the property West of Union Dock, and has known it almost daily for the last five years – His business calling him there almost daily. The ground immediately adjoining the Dock or water has been principally used for landing and loading and unloading. lumber, coal, wood &c. and frequently to the extent of 45 feet he has seen lumber of greater length than forty five feet landed there. Deponent was not aware of their being any street there until the beginning of this controversy.
2d. To the Second Interrogatory. he answers, that the ground further to the west than forty five feet was more used as a street, than the forty five feet next the Dock or water.
3d To the third Interrogatory, he answers that he knows there a wood yard on said dock occupied by and enclosed by said Taylor, the fences around which wood yard extend to the water of Union Dock. The road is to the Westward of said Taylor's inclosure – he means the road leading to the complainants Wharf or property.
4. To the fourth Interrogatory. he answers that he is a dealer in Lumber and Biscuit Baker and his place of business is and has been for the last five years in the immediate neighbourhood of Union Dock.
5th To the fifth Interrogatory. he answers that the property immediately South of Taylor's Wood yard has been principally used and occupied for the last five years for landing and storing Lumber and up to the last two years. he has had lumber stored on said Lot immediately South of Taylor's from the water out to the road. by the road he means the road west of Taylor's enclosure which road is continued South of Taylor's Lot thro Mr White's ground.
Sixth. To the sixth Interrogatory: he answers that he never knew of such a street before this controversy, and he knew of no opening, but the road he has already spoken of and all the property on either side of said road was used as private property.
To the Crop Interrogatories he answers as follows:
1st To the first Crop Interrogatory he answers that he is not cognizant of the moving of Taylor's southern fence but he knows there is a new fence there, and that that new fence was put up last Summer and a little further to the south than the old fences. – To the second Crop Interrogatory he answers that there were no

improvements at all when he first knew the ground West of Union Dock from the head of it to White's wharf.
3d To the third Crop Interrogatory he answers that Mr West first improved said ground by the erection of a row of Warehouses, in the course of the last year. The foundations may have been laid in 1850. These warehouses are some distance north of Mr Flannegan's ground. Between these warehouses and Taylor's wood yard Mr West has laid the foundation of several more buildings. –
To the additional Interrogatory by defendant he says.
1st To the First additional Interrogatory. he answers that he is not cognizant of the moving of said fence or when it was done or what led to it.
2d To the Second additional Interrogatory he answers that he has looked at said plat – none of the Streets on said plat were opened except Mill Street, and there was nothing to indicate that there were any streets, the ground was scattered over with lumber and driven over. The ground on which West has erected his Warehouses and laid the foundation of others was mostly an open space and driven over especially where the foundations are as that was the only way to approach White's wharf and it was a common thoroughfare to White's Wharf. In coming from White's wharf you passed through the road through the lot South of Taylor's wood yard and which road as before stated ran to the West of the wood yard enclosure, and thence northerly, and if you wanted to come to Town, you then went westerly, and if to the point you went Easterly, it was all open and the Carters picked the best road by common usage. It was about where Mr West's warehouses are located that they went East or west from the direction of the road as they desired to go to town or to the point. From White's lot to the above point at West's warehouses, the said road was a fixed road, as much so as one not paved could be.
John S. Beacham of lawful age produced sworn and examined on the part of the defendants, deposes, as follows.
1st To the First Interrogatory he answers that he has known said property since November 1838 and has been working at Flannegan's Ship yard since that time. On the front of the Dock it was used to land Lumber &c. West of that there was lumber piled and they drove about. The Main road on which they drove was about fifty feet from the dock as well as he can judge from the length of Lumber he saw laying out. The main road aforesaid, when he first went there, ran from White's wharf Northerly along the west end of Taylor's enclosure, then north about forty feet and then northwesterly into Mill Street, since then owing to obstructions put in the way, lumber &c the said road above Taylor's was continued straight out to Wilk Street, thus leaving said road about fifty feet from Union Dock, and parallel with it from White's wharf to Wilk Street. The space on the Dock and East of said Street or road was used for landing lumber &c.
2d To the Second Interrogatory, he answers that since he has known said property, there has always been a fence around Taylor's wood yard. And the road used in passing to it and to the South of it, is the same road of which he has spoken.
3d To the third Interrogatory, he answers, that the ground South of Taylor's Wood yard was used to land lumber on, he saw no street on the West side of Union Dock. He never noticed any difference in the use of the ground along the dock and the rest of the property.
4th To the 4th Interg: He answers that there was but one road, and that is the one of which he has already spoken. –