long has Bell air Avenue within the City limits been a public highway and been open, Answering says I think I know that they are down now. I had not seen them for thirty years. The first Milestone stood the west side that is South of Broadway, I was not liable to bill in my knowledge. It was within the City limits as a highway and been open before I have any recollection of it.

James Pierpoint a Witness of lawful age produced sworn and examined in the part and behalf of the Defendants deposes and says to the Interrogatories propounded to him as follows that is to say

1st Interrogatory Were you or not City Commissioner at the time when application was made to grade and pave Bell air Avenue,

Answering says I was,

2d Interrogatory What decision did you make in reference to the same and what were the circumstances thereof,

Answering says, At that time we were governed by the Law that was issued and took such steps as were usual in putting it under contract, I ascertained and was satisfied that the application was made by the proprietors of a majority of feet to ground fronting and bounding on Bell Air Avenue and the proper notices were given,

3d Interrogatory Did you fix the grades thereof or of any and what part thereof,

Answering says I fixed the grades from Aiken street to Ninth Avenue and also the regrade from Ann Street to Chaplain Street,

4 Interrogatory Under above directions was Bell air Avenue paved and who directed the grade and fixed the stakes for the contractors to work by,

Answering says. It was paved under my direction as City Commissioner and Thomas P Cheffelle City Surveyor directed the contractors as to the grades and fixed the stakes for them to work by,

5 Interrogatory Was the said Bell air Avenue been paved or not and how has the said work been done,

Answering says It has been paved and I believe in a substantial and good manner,

6th Interrogatory What would have been the effect of lowering the grade of Bell air Avenue upon the interests of the property holders bounding and fronting on Bell air Avenue,

Answering says I believe it would have been injurious to a large majority of the owners simply because the property affected yet was high land and it would have caused a large amount of excavation, It would have very seriously injured Rogers to

extent of several thousand of dollars to have lowered it to any considerable extent,

7 Interrogatory While the paving was going on did you ever visit the place where it was being done and ascertain whether or not the paving corresponded with the grade fixed,

Answering says. I visited the place frequently and frequently saw Mr Cheffelle attending to that business, I never dreamed of any departure from the grade until there is a day of the objections made by the complainants,

8 Interrogatory Was there or not any appeal from your decision of the 19 December 1853 changing the grade of Bell air Avenue between Ann and Chaplain Streets,

Answering says There was an appeal taken by Mr Rogers and my decision was ratified unanimously by Citizens selected from all sections of the City,

The Complainants here offer in evidence and file under the Commissioners Rule No 5 and paper writings marked Complainants Exhibit A 1 No 7 and A 1 No 8 herein annexed,

To the admissibility of which the Defendants Solicitor requests an Exception to be noted,

The defendants here offer in evidence and file under the Commissioners Rule paper writings and Defendants Exhibit No No 2 and No No 3 herein annexed,

The Commission here closes

In Witness whereof I hereto set my hand and seal this 5 day of May A D 1858 at Baltimore City in State of Maryland

Francis D Fenney (Seal)
Commissioner

And afterwards to wit on the 6th day of May in the year last aforesaid the parties aforesaid by their Solicitors aforesaid filed in said cause the following agreement to wit

A Boulden &c
vs
Mr Mayor and City Council of Baltimore

It is admitted that the Rule referred to in the proceedings of the Commissioners to open and widen Bell air Avenue has been lost and that the plat filed marked B is the rough draft from which plat A was taken with the exception that the numbers referred to in said case are marked B

Charles F Mayer
R J Dimden
for Complainants

Geo Wm Gelo
Atty for Defendants