June 1856 John his ✗ mark Clemmes

Simon D Martinett A Witness of lawful age produced by the Caveators and being duly sworn on the Holy Gospels of almighty God by the Surveyor Gilbert H Bryson Esquire Surveyor of Baltimore City and also by me A H Pennington Justice of Baltimore City and also by me A H Pennington Justice of the peace in and for said City doth commissioned and sworn deposes and says that he was formerly an assistant to Thomas J Chiffelle late Surveyor of Baltimore City and who is now somewhere on the Pacific Coast and that he frequently made surveys with him of the land between the Middle and South Wells Foundary of Patapsco River and he knew an said land points out a cove called Herring Pond it being the only name by which he ever heard it called and also points out the head of it, and the indentations of ground by which it would appear that said pond formerly went up higher and all which said points out to surveyor for location Deponent therewith said Surveyor and Parties proceeded to a place called Ferry point and points out of the same to the said Surveyor as being the Ferry Point called for in the Patent of Upton Cove and deponent then showed the lines of said Upton Cove running from said point according to said Patent and watched by the Water lines of the same to the place near and on a point opposite to which stood an island called for in said patent and where or near which formerly stood a Water Oak also called for in said patent of Upton Cove and he points out said places for location, deponent then also showed a continuation of the Water line for location by the Surveyor to the mouth of a small cove in a Branch and which water lines from Herring Pond to the mouth of said Cove and actually run by said Chiffelle in the survey for Moales security in these proceedings created and which was returned to the Land office. That said Chiffelle made no other running, survey or measurement under the order and warrant of resurvey issued to Randolph H Moale from the Land office and returned as Moales security as aforesaid nor did said Chiffelle ever run said lines under any other Warrant except one issued to J S Pettingy to take up a vacancy called Randolls Disappointment that the only other actual running, measurement or survey under said Warrant of resurvey for said Randolph H Moale was made by this deponent who ran the lines such as were run for the said resurvey, and also ran the same by order of said Chiffelle from the said Ferry Point to the end of the 35 lines of said Upton Cove according to the patent and which running of deponent he points out to the Surveyor that said Chiffelle was present on the ground when Deponent ran the first line from Ferry Point and when Deponent ran the last lines by him running the 34 and 35 lines of Upton Cove but that said Chiffelle was not on the ground and absent during the time of the running of the intermediate lines to these specified that there was no other actual survey or Warrant on the ground but the Certificate and plat for said Moales security was made up for the Land office by portraying the lines on paper and for a number of said return as adds a supposed vacancy to said Moales resurvey for Moales security, there was no survey or running made therefor but

the same was only portrayed on paper from the survey formerly made by said Chiffelle under the Warrant before referred to issued from the Land office to John S Pettingy to take up the said vacancy and returned as Randolls Disappointment and which survey was in said Warrant incorporated into said return of Moales security and which said places deponent points to the Surveyor as the ground for location,

Further deponent states that he never had any regular appointment from said Chiffelle as his (Chiffelle) assistant or deputy surveyor nor does he know of any application on his behalf by said Chiffelle to the Judge of the Land office for such appointment nor any assignments of reasons therefor, deponent never gave any Bond with or without security to such Chiffelle or to any one else as such Assistant or deputy surveyor he states however that deponent was in good faith by said Chiffelle formerly told satisfactory any thing the Chiffelle required of him to be done on oath in reference to the Surveyor or other Work done for Moales security as hereinbefore stated now executed by John S Pettingy and others in these proceedings in the Land office of Maryland,

Sworn to this second day of June in the year 1856 and subscribed in the presence of A H Pennington } Simon D Martinett
J S Gilbert H Bryson City Surveyor of Balto

The said testimony was then adjourned by the 20th of June 1856 when in the presence of said parties the following Evidences was taken in the premises,

John Disney, A Witness then produced and sworn by said Surveyor and said Justice and produced by the Caveators and duly sworn on the Holy Evangely of Almighty God appears and says that he is 67 years of age and has lived in Baltimore City for 45 years has been familiar with about 50 or 60 acres here shown the Surveyor after said time that said premises during all that time has never been in possession of, used, cultivated or enclosed by any one except Mountgomerie Howard and yard he points out which has been up some fifty or sixty years or more but he cannot say exactly. All of said property has been an open common and known without particular about a Water Oak he knew there now trees standing and round about, but what they were he did know. Cross Examined The premises in question were never fenced nor cultivated he never knew any loam taken from the island he always knew the property to be called Moales Point, but what Moales claimed or how much did they claimed he did know. He remembered the island to have been much higher than it is at present. Sworn and subscribed to on the ground this 20 day of June 1856,

In the presence of A H Pennington } John Disney,
Gilbert H Bryson City Surveyor }

of Baltimore

Henry Lock A Witness produced by Caveators being duly sworn on the Holy Evangely of Almighty God by both Surveyor and Justice as aforesaid deposes and says that he is 46 years old has lived in Baltimore City all of his life is familiar with the 50 or 60 acres here pointed out to the Surveyor for location for a number of 30 years during all which time it has never been in possession of, used, cultivated