

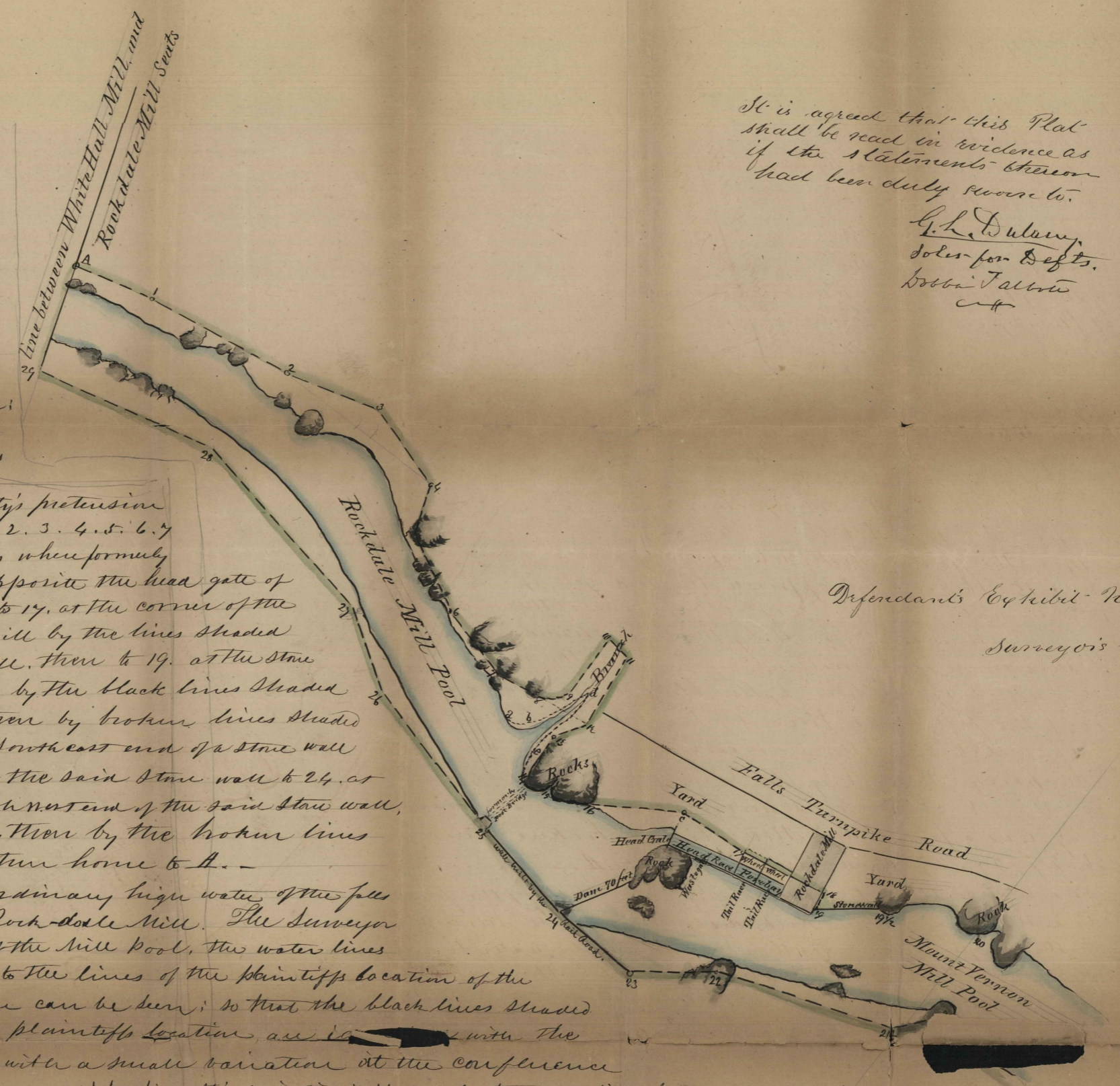
Kane

vs.

Mayor and City Council

In this suit Zackariah Durham and David Carroll appeared upon the ground on the part of the Defendants and showed the Surveyor the point at which the water of Jones Falls flowed in ^{the Flood of} June 1838, which the witness represents was four inches at least over the cap log of the head gate of the Rockdale Mill dam, which point of flow I find to be 670 feet above the top of the Dam of the Rockdale Mill. The Horizontal plane of this elevation as shown by Durham and Carroll; I extended up to the White Hall line to the points A. and 29. The broken lines shaded green represent this Horizontal plane above the dam. The lines of the City's pretension by this flow will be from the point A to 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14 at the point of Rocks where formerly was a foot bridge. Then to 15. 16, and to C opposite the head gate of the Rockdale Mill where the water descended to 17, at the corner of the wheel pit, and then flowing through the mill by the lines shaded green to 18, on the southeast side of the mill, then to 19, at the stone wall, and along the stone wall to 19 1/2. Then by the black lines shaded blue to 20. Then across the falls to 21. Then by broken lines shaded green to 21 1/2 to 22, at a Rock; to 23, at the southeast end of a stone wall built by the Rail Road Company; then along the said stone wall to 24, at west end of the Dam, then to 25, the Northwest end of the said stone wall, near where formerly was a foot bridge. Then by the broken lines shaded green to 26. 27. 28. 29, and then home to A.

The said witnesses stated that the ordinary high water of the falls is about 6 inches above the dam of the Rockdale Mill. The Surveyor finds that owing to the perpendicularity of the Mill Pool, the water lines of such ordinary flow, will be so near to the lines of the plaintiffs location of the falls and pools, that no perceptible difference can be seen; so that the black lines shaded blue indicating the sides of the falls, in the plaintiffs location, are ~~in~~ with the defendants location of ordinary high water, with a small variation at the confluence of a small Branch above the Rocks where formerly was an old foot bridge this variation is shown by the dotted lines from a. to b to d to e. and uniting with the ~~plaintiffs~~ ^{defendants} location at the figures 14. The black lines shaded blue below the Rockdale Mill dam exhibit the plaintiffs location of ordinary high water mark according to the showing of the Witnesses Durham and Carroll.



It is agreed that this Plat shall be read in evidence as if the statements therein had been duly sworn to.

G. H. Dulany,
Solicitor for Defts.
Lobby Talbot

Defendants Exhibit No 1. Plat No 1.

Surveyors Costs = \$20.

Scale 4 Perches in an inch

Dec. 1st 1858.

Wm Dawson Jr.

Compt. Ex^t
No. 1

Kano
Maya City
Lamci

Ad 4th Dec 1858

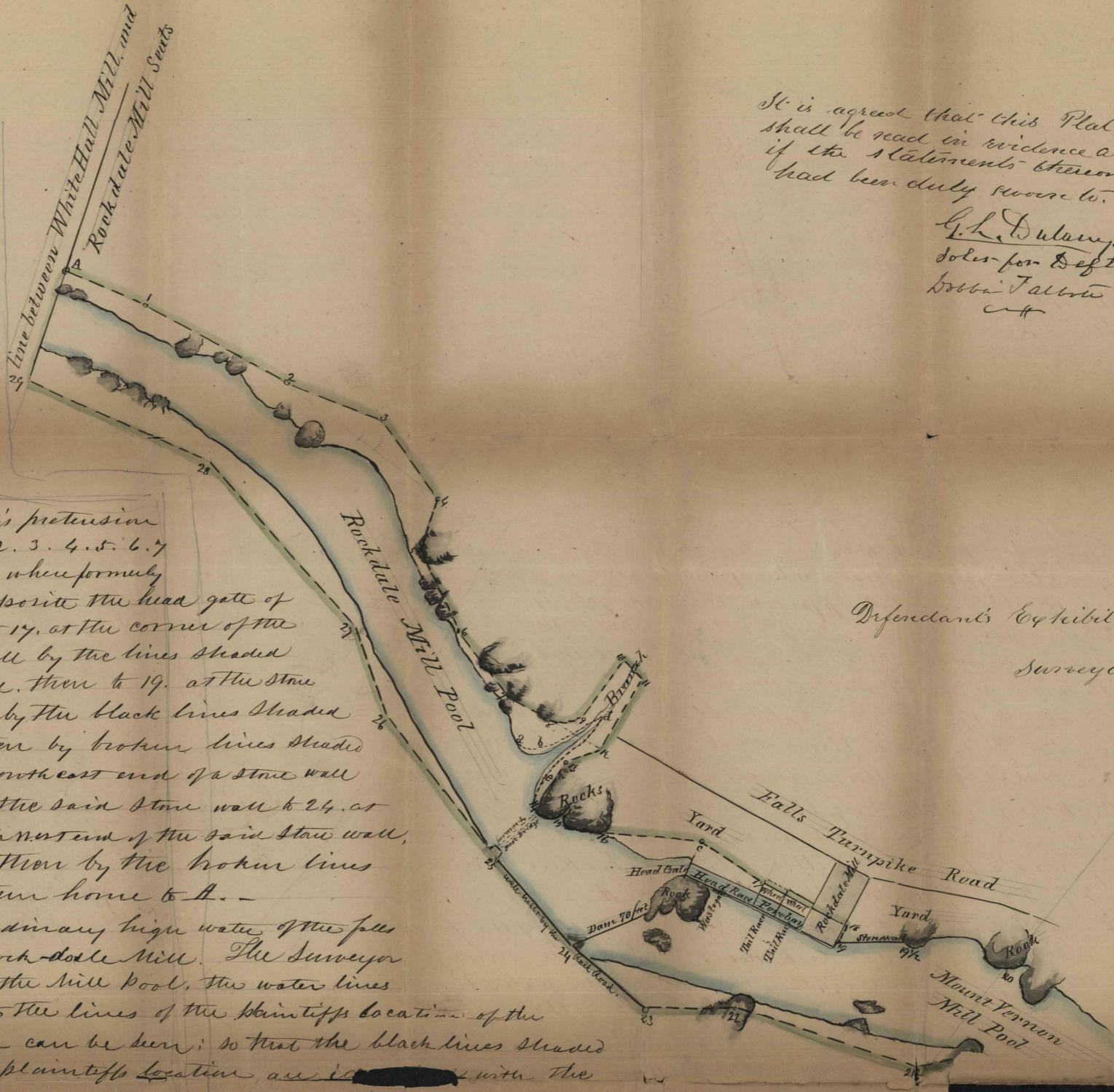
Kane

VS.

Mayor and City Council

In this suit Zachariah Durham and David Carroll appeared upon the ground on the part of the Defendants and shewed the Surveyor the point at which the water of Jones' Falls flowed in ^{the Flood of} June 1838, which the witness represents was four inches at least over the cap log of the head gate of the Rockdale Mill dam, which point of flow I find to be 6³/₂₀ feet above the top of the Dam of the Rockdale Mill. The Horizontal plane of this elevation as shewn by Durham and Carroll; I extended up to the White Hair line to the points A. and 29. The broken lines shaded green represent this Horizontal plain above the dam. The lines of the City's pretension by this flow will be from the point A. to 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. at the point of Rocks where formerly was a foot bridge. Then to 15. 16, and to C opposite the head gate of the Rockdale Mill where the water descended to 17. at the corner of the wheel pit, and then flowing through the mill by the lines shaded green to 18. on the southeast side of the mill, then to 19. at the stone wall, and along the stone wall to 19 1/2. Then by the black lines shaded blue to 20. Then across the falls to 21. Then by broken lines shaded green to 21 1/2 to 22, at a Rock; to 23. at the southeast end of a stone wall built by the Rail Road Company; then along the said stone wall to 24. at west end of the Dam, then to 25. the North west end of the said stone wall, near where formerly was a foot bridge. Then by the broken lines shaded green to 26. 27. 28. 29. and then home to A.

The said witnesses stated that the ordinary high water of the falls is about six inches above the dam of the Rockdale Mill. The Surveyor finds that owing to the perpendicularity of the Mill Pool, the water lines of such ordinary flow, will be so near to the lines of the plaintiffs location of the falls and pools, that no perceptible difference can be seen; so that the black lines shaded blue indicating the sides of the falls in the plaintiffs location, are identical with the defendants location of ordinary high water, with a small variation at the confluence of a small Branch above the Rocks where formerly was an old foot bridge; this variation is shewn by the dotted lines from a. to b to d to e. and writing with the ~~plaintiffs~~ ^{defendants} location at the figures 14. The black lines shaded blue below the Rockdale Mill dam exhibit the plaintiffs location of ordinary high water mark according to the shewing of the Witnesses Durham and Carroll.



It is agreed that this Plat shall be read in evidence as if the statements thereon had been duly sworn to.

G. H. Dulaney,
Sole for Defts.
Robt. Fallis

Defendants Exhibit No 1. Plat No 1.

Surveyors Costs = \$20.

Scale 4 Perches in an inch

Dec. 1st 1838.

Wm Dawson Jr.

Kano
M
Mayor & City
Council
Exhibit No 1
2d 21 Dec 1857