

Books & Law

Hercule Cartenay's
Land Commission

The property of
The Hon^{ble} J^{es} R^{oy} de France

1700

State of Maryland &c.

To Thomas Sollars, William Neill, Daniel Borely & James Gittings Gentlemen Greeting. Whereas Hercules Courtenay by his Petition to our Justices of Baltimore County Court hath set forth that he is Seised in fee of a tract of Land Called Downalls Sylvaria, Situate in Baltimore County, the bounds whereof are decayed and likely to perish, and therefore prays a Commission to take depositions of all such witnesses as shall be offered to establish the bounds of said land, or any other on which the same may depend.

Which Petition is granted, and it being suggested that you are Substantial and Capable fee holders within the said County of Baltimore. And We having great Confidence in your prudence and Integrity, have thereupon assigned, Commissioned and appointed you, or any three or two of you, and by these presents do give unto you, or any three or two of you full power and Authority / you having first taken an Oath before our said Justices or some other of our Magistrates, duly and impartially to examine and Certify the Evidence concerning the Premises) to issue Summons for all such Evidence as shall be to you Nominated by the said Petitioner, or other person or persons Concerned, to appear before you at a certain day, to be by you appointed upon the Lands, the boundaries whereof are as aforesaid to be proved or perpetuated, and to examine all such witnesses separately and apart, upon their Corporal Oaths, to be by you Administered, of their Knowledge concerning the several bounds of such lands, and Carefully to Reduce what these Evidence shall declare into Writing, in the presence of all the parties concerned, that shall be there, and Return the same to our said County Court, to be Recorded in perpetual Memory. Provided that you be not any way Related to any of the parties, nor interested in the Lands, and that before your Meeting on the Lands, where all parties Concerned, live in the said County, or where they are not known, you affix publick Notes at the Parish Church

When the said Land lies, three sundays at least before your Meeting
Intimating your Intentions, and the time you shall appoint.
And that you cause the like Notes to be put up in the
most publick places in the County aforesaid twenty days
before such Meeting, and that when all persons interested are
known, and any of them live out of the County aforesaid
Notice shall be given, by affixing a Note at the Church
Door of the Parish in which such party or parties reside
Forty days at the least before such Meeting; and also that
you shall return a Certificate of such Notice given, and of
all Actings and Proceedings in and about the Premises;
fairly and distinctly wrote, and closed up with this Note
under your hands and Seals without delay, before the
Justices of our said Court to be Recorded in perpetual
memory. Witness John Hoale Gentleman presiding Justice
of our said County Court. the 19th day of August in the
Year of our Lord one thousand Seven hundred & eighty two.
Signed the 20th Aug^r 1782. W^m Gibson Clk. B. County

Baltimore County Sp^{ts} }

18 Sep^r 1782

Then personally appeared before me the Subscriber one
of the Justices of the Peace for said County, Daniel
Bowly and William Mill who duly qualified to
execute the within Commission.

Thomas Sollars.

Sep^r 18th 1782

Personally appeared Thomas Sollars, before me the
Subscriber, and duly qualified

Isaac V^m Bibber

Notice is hereby given that we the Subscribers being
Appointed and Nominated Commissioners by Baltimore
County Court. to examine all such Evidence as may be
offord by the interested parties, touching the bounds of
a tract of Land Called Darnalls Sylvania, Situal and
lying in Baltimore County, or any other Lands on Which
the same may depend. Now by Notify that we having
qualified as Commissioners, intend Meeting on the said
Land on the Second day of November Next ensuing to
take and reduce into Writing all such Testimony as may
be offord, according to the Act of assembly in such
case made and provided. Given under our hands this 20th
day of September 1782.

Thomas Sollers
William Nill
Daniel Bowly

To James Moore, William Andrews, William Picket, Abraham
Andrews, John Roberts, John Greer, Comfort Lynch, Walter
Tolly and James Sudden. You and each of you are
here by Summoned to appear in your proper persons
on the Tract of Land Called Darnalls Sylvania in
Baltimore County, on Friday the 22 day of this 10th
November, then and there to give your Testimony
touching the bounds of the said Tract of Land Called
Darnalls Sylvania, or any other Lands on Which the
same may depend. in Which you are not to fail
Given Under our hands this 7th day of November 1782

Daniel Bowly }
William Nill } Commis^{rs}.

Baltimore County to wit 2 November 1782

The Commis^{ns} met agreeably to advertisement
on the Land Called Darnalls Sylwania. Present

Thomas Sollers }
Daniel Bowly. } Commis^{ns}

and for want of Testimony appearing, Adjourned to
Friday the 22 Ins^t: November 1782.

Baltimore County 22 November 1782

The Commis^{ns} met according to adjournment
Present.

Thomas Sollers
William Null.

N^o. 1. The Deposition of Walter Tolly being of full age
who being duly sworn on the Holy Evangelists of Almighty God
being at a Spot of ground in the Woods to the Southward
of the Road leading to the Nottingham Works, and between
that and M^r: Gough's gate, and about a quarter of a Mile
from the place called the Pisirs. Deposeth and saith, that
about thirty years ago. (to the best of his Remembrance) he
was appointed a Commissioner, to settle or Prove the bounds
of a Tract of Land called Thompson's Lot, and John Grove
Sen^r. proved a Red or Black Oak bounded Tree of said
Thompsons Lot, to stand where Depoⁿ: now is. with the other
Commissioners; and the Commis^{ns} then present caused two
Red Oaks, one to the Southward and one to the Northward of
said Tree to be bounded with twelve Notches in each Tree
and further saith not.

Walter Tolly.

N^o. 2 The Deposition of Abraham Andrews, being first duly sworn and of full age, deposes and saith, about thirty years ago. there was a Law suit depending between Charles Carroll Esq^r. and Benjamin Ingram, and they began to run the first line of Darnalls Camp at a Stump, which the Depo^t. thinks stood between those two black Oaks where he now stands, and further saith not. 22nd Nov^r. 1782. Abraham Andrews

N^o. 3 The Deposition of Comfort Lynch, being first duly sworn, aged about sixty eight years, deposes and saith, that about six years ago she heard her Father John Roberts say that about the place where she now stands was the beginning of Darnalls Camp and about seven years ago she heard Rob^t. Harriman say that we need not be afraid of Thompsons Lott that it lay towards M^r. Skinners Mine bank, and further saith not. 22nd Nov^r. 1782 Comfort Lynch

N^o. 4. The Deposition of Charles Hughes, aged sixty-three years, being first duly sworn, deposes and saith that about thirty seven years ago he this Depo^t. was a Chain Carrier for Thomas Franklin who was then employed by Alexander Lawson to survey Lands but that he this depo^t. knows nothing of any of the Boundaries, and further saith not. 22nd Nov^r. 1796. Charles Hughes

N^o 5. The Deposition of Abraham Andrews aged fifty
-one years, who being duly sworn deposes & saith
that about thirty years ago. he this dep^ont saw the
first line of Darnalls Camp run, and it ended
near Where Dep^ont now stands. and near the end
of the said line there was a Poplar tree, which was
dubbed the second tree of Darnalls Camp, and they
run from said Tree the second line. and further this
deponent saith not.

Abraham Andrews

22 Nov^r. 1782.

N^o 6. The Deposition of Swan Ingram aged about fifty years
who being duly sworn deposes and saith, that about twenty-
eight years ago. he this deponent. heard his Aunt Doreus
Wright say, as she and her Husband Humphrey Tudor was
walking by, there was the top of a Poplar which he told
her was the boundary of Darnalls Land which was cut
down by Michael Birum & Burnt. and that he the said
Humphrey Tudor got on the Tree, and on the said Lopp of
the Tree, which was about two hundred yards distance
from the place where he this dep^ont now stands. and this
Dep^ont further saith, that he hath heard his grand-
mother say, that Michael Birum did cut down the Tree
and burnt it, in order to take up a hundred Acres
of Land. Adjaying his Grand Fathers Land, and that
Birum did afterwards tell this deponents grand Father
that there was the bounded ^{Tree} which he had destroyed.
and also shew him the Land which he intended to take
up, for which Reason he destroyed the aforesaid Tree
and afterwards he this Dep^onts Grand Father took up
the Land, and called it Michaels Chan^e. and further
saith not.

his
Swan ^x Ingram
mark

22 November 1782.

N^o. 7. The Deposition of James Moore of full age. Who being
X duly sworn on the Holy Evangelists of Almighty God
deposeth and saith. That some years ago being
an assistant to Nicholas Rowton Gay. he came to this
place to run this land, where stands two Bounded
black Oaks, and from the said Oaks he run the first
line of Durnalls Camp. and further this deponent saith
not.
22 November 1782 James Moore

N^o. 8. The deposition of William Pickett aged about
X Fifty years. being first duly sworn on the Holy
Evangelists of Almighty God. deposeth and saith. that at
the place where he now stands, being at the two black
Oaks, about twenty six years ago being here present. he
heard a certain Richard Herwood prove the above
black Oaks to be the beginning of Adventurers Addition
That being about that time in Conversation
with his Father Heatheate Pickett, he heard him say,
that about forty years before that, he saw one Thompson,
who claimed Thompsons Lot, and said that he wanted
to make sale of it to a certain Edward Day. and Edw.
Day went to M^r Thomas Tolly to advise about the
Purchase, and M^r Tolly advised him not to Purchase
the same, as it was not valuable, as it lay on the
Honeygold Branch, and the Land indifferent
and further saith not.
William Pickett
22 November 1782

N^o 9

X The Deposition of Ananias Divors being of full age, and being at the same place described in Walter Tolly's deposition of this date. Who being duly sworn on the Holy Evangelists of Almighty God, deposes and saith that sometime last fall, he this deponent was employed by David Clarke the Surveyor to carry the Chain when he was running out Darnalls Camp for the Commissioners for Confiscated property, and that he began the first Course of Darnalls Camp from the spot where he now stands, as above described and further saith not.

Ananias Divors

22 November 1782

N^o 10. & 11.

X The Joynt deposition of Samuel Clark and John Buck, each of full age Who being duly sworn on the Holy Evangelists of Almighty God, being at the same place described in Walter Tolly's and Ananias Divors deposition of this date deposes and saith that about four or five years ago, these deponents with Mark Alexander were appointed Commis^{rs} for proving the bounds of a Tract of Land Called Thompsons Lott. When John Roberts aged then about Ninety five years, was sworn as and Evidence, and declared on his Oath that before Ann Arundall and Baltimore County's were divided, he the said John Roberts was present at the spot described as above, and Carried the Chain under the direction of John Taylor who was Deputy Surveyor under John Dorsey of Elk Ridge on a Survey for one Bryan and that said John Taylor told the spot where he stood and where deponent now is, was the beginning of Thompsons Lott, and that at the same spot where the two Red Oaks stands as before described, upon a small branch of the Hornygold, Southwarty from the Garrison Road, and near the place called the Gunpowder fines, was then a bounded Tree / an Oak depon^t believes, but says it was then green and growing, and that the said John Taylor run from

from said Tree, ninety four or ninety six paces, he cannot
recollect. Which, to a bounded White Oak Tree, and
Deponents further saith. that since they have been
generally informed, that Thompsons Lott, lays in the
Drains of the Hornygold. and further saith not.

22 Nov^r. 1782.

Sam^l. Clark
John Buck

N^o. 12. . . . The Deposition of James Moore of full age, who having
been duly sworn, deposes and saith. that when he run
the first line of Darnalls Camp, begining at the two
bounded Oaks described in his deposition before taken
that at the end of the said line he stopped; some of
the Company mentioned, there was a Poplar Tree
at Head, he replied it may be a bounded Tree, and
examined the distance there of, and it was eight or ten
paces or Chains length to the said Tree, which was to
the right hand of the Course, and the said Tree upon
examination there appeared to be six Notches or more
there on, which appeared to be regularly placed, and
that at the time of our being there, M^{rs}. Wright, sister
to Benjamin Ingram was about two hundred yards
distance from us or more, to the right hand of the
said Poplar or line, in search of the second Tree of
Darnalls Camp, and said her father had shewn it
to her when down; But this deponent saw no such
Tree, neither could he find any such Tree, but said
it was near that place, but no person ever proved
the said Poplar to be a bounded Tree, or deemed it to
be such, that is the Tree marked with the six Notches
described as aforesaid. and further saith not

22 Nov^r. 1782.

James Moore

N^o. 13.

The Deposition of Benjamin Roberts of full age and being on the South side of, and close to Gunpowder Falls in Battison County aforesaid. and being duly sworn on the Holy Evangelists of almighty God to give his Testimony touching the bounds of a Tract of Land Called Darnalls Tylvania, or any other Lands on Which the same may depend.

Deposeth and saith that about thirty or forty years ago. being then near the place where he now stands, he thinks he saw a Bounded Tree, he thinks a black or red oak, but does not know what bounded Tree it was, nor what Land it related to, nor does not know whether it was a bounded Tree or not. and further saith not.

22 Novem^r. 1782.

Benj^a B Roberts
his
mark

N^o. 14.

The Deposition of Thomas Gibbons aged near about ninety years, being at the same place described in Benj^a Roberts's deposition of this date; and being sworn on the Holy Evangelists of almighty God. deposeth and saith, that upwards of forty years ago, being at Edward Day's near Sappas, he heard M^r. Oliver Harwood, Nick^s. Day, Edward Day and Henry Adams, say, that the bounded Tree of Darnalls Camp, did stand at the mouth of Mother Ingram's Spring Branch; that he never did see the Tree, nor knows no more of the matter than what he heard the above named persons mention, when he was a bystander. and further saith not.

22 November 1796.

Tho^s Gibbons
his
mark

N^o. 15.

The Deposition of William Picket taken at a Poplar Tree standing on the side of a Hill West Northw^{ly} from Mr. Samuel Clarkes House, Deposeth and saith, that about twenty eight or thirty years ago, there was a Comiss^{on} for Thompsons Lott he believes. and in running the first line of Darnalls Camp, deponent. Carried the chain and ended near the tree where he now stands, a little Northw^{ly}. When the Number of Pickets was ended Col: William Young who was present and attended the Survey, said here was a Poplar Tree which might answer for the boundary; Depont. then looked at the Tree to examine whether the same was regularly bounded, but did not find that it was so; some three or four Notches he did see, but they appeared as if it had been done about ten or twelve years. Deponent further saith that he hath often heard his Father Heathcote Picket say in his lifetime, that the Tree which Deponent has described as above, was no bounded Tree at all; and that he also heard his said Father say, that when he was a Boy, a certain Michael Byram came from the Eastern Shore and made some Surveys in Baltimore and Joyning Darnalls Camp, and that on said Byrams Return Home, he lodged at one John Taylors, where Deponents Father lived, and who heard Byram tell Taylor, that he Byram had been making some Surveys in Baltimore County, and that he had cut down a Poplar Tree that stood in his way; Taylor replied Michael you have cut down the second tree of Darnalls Camp. That Deponent has frequently heard his Father say, that the said second Tree of Darnalls.

Darnalls Camp, stood on the Top of the Hill above
Ingramms House, and further saith that he was
present when Darcus Wright said that her Father
John Ingram, told her, or shewed her that the
bounded Tree of Darnalls Camp, (being a Poplar)
stood on the Hill North of the Tree where he now
stands, which if proved would take away some
of his Land, or Prejudice it. That about four or five
years ago, Depoent saw the first line of Darnalls
Sylvania Run, which began at the end of the Number
of Poles of the first line of Darnalls Camp, and run
into the Land of Mch: Brellair which he rents to Henry
Hendon. and further saith not.

22 Novem^r: 1796.

William Pickett.

X X X

N. 16.

The Deposition of Ananias Divers being at the same
Tree described in William Picketts ^{Deposition} aforesaid, who being
sworn on the Holy Evangelists of almighty god,
Deposeth and saith, that sometime last fall when
the Commis^{rs} for Confiscated property was running
out Darnalls Camp, he was a Chain Carrier, and
began the first Course thereof at the two bounded
red or black Oaks near the pines before described
and ended the said first Course about sixty or seventy
yards northw^{ly} of the Tree where he is now standing at

That the day after the Surveyor told Depoent
that he was told or informed that the Tree where he
now stands was the second Tree of Darnalls Camp.
and that the surveyor said he would run it from
both places, and that they might sell it by which
they would, but that he does not know by which
survey it was Platted, & further saith not.

22 Novem^r: 1782.

Ananias Divers

Baltimore County 23 Novem^r 1782

The Commis^{ns} met according to Adjournment from
Yesterday. and were present

Thomas Sollars &
William Mill.

N. 17.

The Deposition of Abraham Wright, being of the age
of Forty five years, who being duly sworn, and being
at a Paper Tree standing on the side of a Hill West
Northw^{ly} of the Dwelling House of Samuel Clark, and
the same Tree described in sundry of the Depositions
of yesterday. deposes and saith that about thirty
years ago as well as he knows, there was a Commis^{ns}
granted for the Establishment of the bounds of Darnalls
Camp, and that in the running of the first Course
of said Land, they ended with the Number of Perches
thirty or forty yards to the Northward of the Paper
above described, as well as he can Remember at this
time; that afterwards they went up to the Top of
the Hill, when Darnalls Wright (alias Tudor) then
being standing at a Paper Stump on the top
of the said Hill, which Stump she said, her Husband
told her, was the Stump of the second bounded
Tree of Darnalls Camp. that he Remembers the
People then Present looked about for a Paper
but could not find any other but the said Stump
and the Paper he is now at. and therefore concluded
the said Tree he is now at, was the second bounded
Tree of Darnalls Camp, but does not Remember that
any Testimony was given to prove it to be so.

That about sixteen or eighteen years ago
M^r. Charles Ridgely was about to purchase Cubbs=
Hills and the Resurvey belonging to it, and brought
James Moore to run the first and second lines of
Darnalls,

Darnalls Sylvania, and employed this deponent as one of the Chain Carriers, and began to run the first line of the said Sylvania from the Poplar above described (being a Forked one) that M^r Moore told M^r Ridgely. the Tree above described was the beginning Tree of said Sylvania. and further saith not. —

Abraham Wright.

N. 18.

The deposition of James Ingram son of Benjamin. being of the age of thirty nine years or thereabouts being duly sworn, and being at the Poplar Tree above described in Abraham Wrights deposition. Deposeth and saith, that about thirty years ago, when deponents Father had a Law suit with Charles Carroll Esq^r. he saw the first line of Darnalls Camp run, but how near the Course ended to the Forked Poplar, where he now is, he cannot remember, but remembers that some of the People then present went to the Tree above mentioned, who said they saw some Notches on it, that they therefore Concluded it was the bounded Tree. that ever since that time, the same Tree has been deemed a Bounded Poplar by the Neighbouris about. and further saith not.

James F Ingram
mark

23 November 1782.

N. 19.

The deposition of Samuel Clark being of full age and duly sworn, being at a Poplar Tree standing on the side of a Hill, West Northwaly of Deponents dwelling House, and the same Tree described by Will^m Pickett and Amancias Divers in their several depositions of yesterday. Deposeth and saith that he this deponent happened to come unto the Company of David Clark the surveyor, at the time that he had finished running

Running the first line of Darnalls Camp in the fall of 1781. and that the said line ended about sixteen or seventeen Paces to the Northward of the Tree where he now stands at, and as above described

That in consequence of the uncertainty of the Information given said Clark, that the Tree where he now stands at, as above described, not being a bounded Tree, he the said David Clark said he thought fit to lay the Camp down, as well from the Number of Paces, as from the said Tree, and that the Commis^{rs} might sell it in which manner they pleased. That in the Month of April or May last. When the said Clark run the Courses of Darnalls Sylvania, he began the first Course of the said Sylvania, from the end of the Number of Paces, of the first line of Darnalls Camp. which was sixteen or seventeen Paces to the Northward of the said Poplar Tree where he now stands at. On being asked if he ever heard that Col^o William Young run the first line of Darnalls Sylvania from the Tree where he is now at; Answers he has heard so. and further saith not.

23 Nov^r 1782

Sam^l Clark

XXX

N^o. 20. The Deposition of John Buck of the age of sixty six years or thereabouts, who being duly sworn, and being at a Forked Poplar, the same described by Abraham Wright, and James Ingram, in their Depositions of this date; Deposeth and saith, that he has at sundry times seen the first line of Darnalls Camp Ven, which began at the two black Oaks near the pines, and it always ended up the little Spring branch, to the Northward of the Poplar above described, fifty or sixty yards more

More or less. That about Forty two or Forty three years ago, he was a liver with the Widow Ingram, and made a crop in the Family, and often heard the Widow Ingram, Darcus Tudor and many others of the Family, ^{say} that the bounded Poplar, the Second Tree of Darnalls Camp, was cut down by Michael Bygram; that at the same time, or near the same time; He this Deponent asked the said Darcus Tudor being then in the House, which at that time stood close by the present Dwelling House of Samuel Clark / Where the bounded Poplar stood, when she the said Darcus came out into the yard, and casting her hand up the Hill, to the right hand of the House, and to the Northward of it, saying there stood the Second Tree being a bounded Poplar of Darnalls Camp. That the said Darcus told Depon^t that her Husband Humphrey Tudor, had a Sow that Pigg'd in the Lopp of the said Tree after it was cut down, and the Body burned. That he has frequently seen the second line of Darnalls Camp run, and they always set off from the end of the first line to the Northward of the Poplar where is now at. That on being asked — Whether he ever saw any Regular Notches as a boundary on the Poplar where he is now at, answered, that he never did, more than what boys might have made in when they were hunting Rabbits; and that he this Deponent himself might have cut some holes or notches in the said Tree, when a hunting of Rabbits, but cannot Remem-ber whether he did or not. That he has at sundry times, heard people say, that the Tree where is now at

at, was no bounded Tree, and that when Commissions
were held on the said Land, he does not doubt
but that others might have said that it was.
and further saith not

23 Novem^r. 1782.

John Buck

X X X

N. 25.

The Deposition of William Pickett, being of full
age, and duly sworn, being on the Rise of a Steep
Hill to the Northward of a little Spring branch
North Westward of Samuel Clarke's Dwelling House
and about twenty five or thirty yards West
of a large Standing Poplar, and also nearly
about North. North East of the Forked Poplar —
Described in sundry Depositions of this date, and
yesterday, one hundred and Twenty five yards
distance. Deposeth and saith, that Near about
thirty years ago. when a Commission was held
on Thompson's Lot, he was present at the spot
where he now stands as above described, with
Darius Tudor and Martha Quim, when Darius
Tudor Declared on Oath, that her Father John
Ingram, shewed her or told her, that here or
herabouts did stand or should stand, a
bounded Poplar, which if proved w^o. Prejudice
or take away her Father's Land. & further saith not

23 Novem^r. 1782

William Pickett

N. 22.

The Deposition of Abraham Wright, of the age of Forty five years, being at the same Spot described by William Pickett in the foregoing Deposition; being duly Sworn, Deposeth and saith, that about thirty years ago when a Commission was had on Thompsons Lot he was present at the Spott above described, or a few yards to the Westward of it, with Darcus Tudor (alias) Wright, and Martha Duine, who were both duly sworn when Deponent heard Darcus Tudor (alias) Wright Declare, that Humphrey Tudor her Husband told her or shewed her the stump of a Poplar which was the second bounded Tree of Darnalls Camp, that Deponent at that time saw several of the roots of a Poplar Tree at the Spott where he now stands, and that the said Darcus said was the roots of the said Tree which she had proved. and further saith Nat.

23 November 1782

Abraham Wright.

The foregoing Depositions were taken on a Land Comiss^o for Hercules Covertmay the 22 & 23 Novem^r. 1782 before Thomas Sollars and William Neill two of the Comiss^o named in said Commission and are numbered from 1 to 22. those numbered with Red ink he submitts for reference thereto, to the perusal of the Present Comiss^o 3 August 1790. and are as follows. Viz.

- | | | | |
|----------------------|------|----------------------|-------|
| Lewan Ingram..... | N. 6 | James Ingram..... | N. 18 |
| James Moore..... | 12 | Samuel Clark..... | 19 |
| William Pickett..... | 15 | John Buck..... | 20 |
| Ananias Divers..... | 16 | William Pickett..... | 21 |
| Abraham Wright..... | 17 | Abraham Wright..... | 22 |

It is to be noted, that the Second boundary of
Darnalls Camp. Which is the first boundary
of Darnalls Sylvania, is called in the Original
Certificate A Poplar Tree and not a double
or forked Poplar.

This commission executed under the Act
of 1723 Chapter 8

Dullins Com -

W. C. No. 54 for 272.

W. G. No. 2 for 412.

23rd Feby 1783, Compa

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2/2/10