

Declarations of the County Surveyor in and in between lands of
E. F. Abell and David Henry, in the Township of Troy

Declarer
I, Robert M. Henry, County Surveyor, do hereby certify that the following is a true and correct copy of the original survey made by the County Surveyor on the premises of E. F. Abell in the Township of Troy, Chautauq County, this county, bearing date the 21st day of September A.D. 1861, and continued from day to day at the same place until completed for the purpose of establishing the north west corner of the premises aforesaid & occupied by said E. F. Abell being about 32 acres of land in lot No. 13 in said Troy Township & also for the purpose of locating & establishing the western line of said David Henry land at which taking of testimony, was and is present, of your assent.

Subscribed in Personally served this notice by reading the same, to the said within named Robert Henry & Henry
Office of David Henry, August, 31st 1861. Fee for service, 25 cts. Chas. P. Lamson Court.

Deposition of W. H. Deals
Testimony of W. H. Deals, of the County of Chautauq, State of N. D. I, W. H. Deals after having been duly sworn testifies as follows: Q. You recall what do you know about the original N. W. corner of land now owned by E. F. Abell? A. About thirty years ago I surveyed the land now owned by E. F. Abell and caused a post to be driven for the N. W. corner of the land surveyed; it being the west part of 32 acres surveyed from A. Chas. to A. of Chas. Q. Was it your intention to make the E. and W. lines parallel? A. I think not. Q. Did you survey off 8 acres from the eastern part of the 32 acres and survey the remaining 22 acres separately, and if so was the N. W. corner then standing? A. Some 5 or 6 years subsequent to my first survey, I surveyed these pieces separately and the N. W. corner post was then standing. Q. Did you chain on the land and give the number of chains and links of the balance 22 acres up to the N. W. corner post? A. I gave the distances of all the sides and made the distance on the road from C. C. Chapman's N. line to the N. W. corner post the same as in the said E. F. Abell's deed. Q. Have you surveyed the said 32 acres of late for the purpose of ascertaining the north west corner and said 32 acres? A. Sometime in April, 1861, by request of both parties I was called upon to find the old original corner. I did so and caused a post to be driven near the old corner being governed by distances, both parties being present and expressed themselves well satisfied. Q. Is that N. W. corner post now standing? A. I have made an examination and cannot find any.

Deposition of A. C. Chasch
A. C. Chasch after having been duly sworn testifies as follows: Q. You recall what do you know about the original N. W. corner of E. F. Abell's land? A. I was the owner of land now owned by said E. F. Abell, it was conveyed to me by my father from Chasch and he got W. H. Deals to survey it. I was present and think I drove the N. W. corner post. I remember distinctly of having seen it about three or four years afterwards. Q. Do you know anything about W. H. Deals surveying off 8 acres from the original 32 acres? A. I got 8 acres surveyed from the east part by W. H. Deals or C. C. Chapman. Q. Did W. H. Deals then survey the remaining 22 acres and if so how did the distance on the road from the western boundary of C. C. Chapman's land to the original N. W. corner of land now owned by the said E. F. Abell compare with the deed of conveyance to John Theaton? A. The distances agreed exactly for I made out (or caused to be made) the deed from that survey, and furthermore the original N. W. corner stake was then standing. Q. Was there ever at your knowledge any fence considered the boundary any line? A. The lands on both sides the line formerly belonged to my father and I expected to own both sides the line. I knew there was no division fence put on the line and I occupied over the line from the road to the woods and I sold. Q. When you built the house Mrs. B. C. Abell now occupies did you build it as it now is within the line, and was the original N. W. corner, out of the said 32 acres then standing? A. I built the house as it now stands, and the said corner was then standing and the house did not extend west to the west line, and there was ample space enough for wagons to pass over a pass.

Deposition of Lewis P. Pool
Lewis P. Pool after having been duly sworn testifies as follows: Q. Has there ever been a fence considered as the western boundary line of land now owned by Mrs. E. F. Abell? A. Less than 18 years since I was employed near the line chopping wood and there was no fence there then.

Deposition of E. W. Abell
Mrs. E. W. Abell after having been duly sworn testifies as follows: Q. You recall what do you know about the original western boundary line and N. W. corner of land now owned by E. F. Abell? A. In June 1839 the stake establishing the N. W. corner of land now owned by E. F. Abell was pointed out to me by A. C. Chasch, and there was no fence at that time considered as a boundary line for A. C. Chasch (the rightful owner then of the land) occupied over the line and as late as 1841 there was no fence of any kind. Q. What time was there a fence put on the line? A. In the winter of 1847.