

river with the ebb and flow of the tide, to the great damage of the caveator, who is the owner and proprietor of "Craney Island" and as such, is entitled to all the natural approaches by water thereto, free from all obstructions or nuisances thereto.

*Third.* Because said survey includes ground covered by navigable water, within the ebb and flow of the tide, and if said land so covered by navigable water can be patented, which is denied, then this caveator shows that he is the owner of the land patented in the year 1673, by the name of "Grimes' Ditch," together with an island about half a mile distant from said land, and your caveator is prepared to show, and now avers, that said island is known by the name of "Craney Island" and has long been possessed by him, and those under whom he claims, under and according to said patent, and that said island formerly contained a large body of land, which since the date of said patent has gradually been washing away until now it is reduced to one acre, or thereabouts, and your caveator further showeth that said "Hoskin's Island," as surveyed, is within the area and ambit of said "Craney Island" as originally patented in the patent of "Grimes' Ditch," and therefore, if said land included in the survey of "Hoskins' Island" be proper for a patent, it has already been patented as aforesaid, and is now held by this caveator under said patent, which is in full force and virtue.

*Fourth.* Because this caveator is the owner of "Craney Island," and as such, has for many years been accustomed to have and maintain a fishery on, and from the shores of said island, by hauling a seine by himself or his tenants, and the said Hoskins seeks by his said survey and proceedings, to obstruct and destroy the fishery and fishing berth of this caveator, by taking up as vacant, the land covered by water immediately in front of the fishing shores of "Craney Island."

*Fifth.* Because the surveyor never actually run the lines of said "Hoskins' Island," as he has certified the same, but has merely protracted or extended said lines on paper from the base or points connected with the shores of "Craney Island."

The testimony taken in the cause, and all other proceedings