and all of the second additional Interrogatories waved by the Complainant.

Samuel Duvall of lawfull age, a Witness produced by the Complainant, being first duly sworn on the holy Evangely of Almighty God, and the first and second Interrogatories and the 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12 and 13th of the first additional Interrogatories being waved by the Complainant.

To the 14 of the first additional Interrogatories deposeth and saith. I have surveyed part and platted the whole of the Land on which Frederick Heefner the elder lived, according to a Warrant of Resurvey from the General Court in the Case of Havener's Lessee against Shawn; one of the plats which was filed in the said cause is herewith exhibited No 1. the Land is called the Resurvey on Havener's Fancy, and is the same Land the Defendants now live on, the rest of the first additional Interrogatories, and all of Second additional Interrogatories are waved by the Complainant.

The further examination of the Witnesses was then postponed until the third day of April at 10 o'clock in the morning, to which time the Commissioner adjourned.

April 3d. 1802. The Commissioner proceeded to take the Depositions of the other Witnesses that were produced in the presence of the Complainant and Defendants who attended.

William Ritchie and Tobias Butler of lawful age two Witnesses produced by the Complainant, being first duly sworn on the holy Evangely of Almighty God. And the first and second Interrogatories being waved by the Complainant

To the 1st. of first additional Interrogatories depose and say we have examined the Records together from the year 1748 to the year 1796.

To the 2d. of the first additional Interrogatories these Deponents say, all the Conveyances upon the Records from any person to the said Frederick Heefner during the

aforesaid period are mentioned in the paper herewith filed Exhibit No 2.

The rest of the first additional Interrogatories and all the second additional Interrogatories were waved by the Complainant

George Klem of lawful age, a Witness produced by the Complainant, being first duly sworn on the holy Evangely of Almighty God to the First Interrogatory deposeth and saith, I have been acquainted with all of them more then Twenty years.

The 2d. Interrogatory and the 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. and 18 of the first additional Interrogatories this Deponent saith, I would be willing to give an hundred pounds or more perhaps one hundred and Twenty or one hundred and twenty five pounds yearly for the Land, and I think it is annually worth that much, It has I think been worth that much for twelve years past.

The 20th. of the first additional Interrogatories waved by the Complainant.

To the 21st of the additional Interrogatories this Deponent saith, There is both wood and cleared Land on it, I do not know how much is cleared, I have not been on the Land so as to take notice of how much is cleared for 4 or five years there has been a good deal of timber cut and carried away within ten or eleven years last past. I suppose about 400 Cords of Wood or some where there abouts have been carried away during that period, a good deal has been carried to Frederick Town and a good deal to the Glass Works.

All of the second additional Interrogatories were waved by the Complainant.

Arthur Wallace of lawful age, a Witness produced by the Complainant, being first duly sworn on the holy Evangely of Almighty God. To the first Interrogatory deposeth and saith I am not acquainted with the Complainant I am acquainted with the Defendants, and have been ever since the year 1796.

The Second Interrogatory and the first 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. and 18. of the first additional Interrogatories were waved by the Complainant.