December Term 1808

Friday 10 Commissioners met agreable to adjournment

Present. George G. Presbury

Thomas Rutter

Adjourned to Monday next 3. O' clock in the afternoon.

Monday 13. March. Postponed to Saturday next 3. O' Clock in the afternoon

Saturday 18 Commissioners met.

Present. George G. Presbury

Thomas Rutter.

Interrogatories to be exhibited to Witnesses produced in this Cause in behalf of the Complainants.

1st Do you know the Complainants or either of them and which of them and how long have you known them?

2d Do you know the Defendant in this cause and how long have you known him?

3d Whether or not was Robert Lemmon and Stephen Wilson appointed by the Chancellor Trustees for the creditors of the said William Davis?

4th Whether or not did the said Trustees expose to public sale the real and personal property of the said Davis or some part and did Cumberland Dugan of Baltimore Town become the purchaser thereof.?

5th Whether or not did the said Dugan purchase the said property under an engagement to let the said Davis have the benefit of the purchase, should he Davis pay the purchase money within a certain time? or what engagement or agreement did the said Dugan make with the said Davis?

6th Whether or not were the four lots distinguished in the plat of Baltimore Town by the number 951. 952. 953 and 954 a part of the property the said Dugan so purchased and do these lots adjoin each other and form a square bounded on three sides by Pitt street, Bond street and Sligh lane?

7th Whether or not did the said Cumberland Dugan afterwards advertize the said lots for sale and employ Messrs. Yates and Campbell auctioneers to sell the same?

8th Whether or not was there at that time a house and garden on a part of these lots and did the said William and Mary there reside in the said house and possess the said garden? and on what part of the said lots were the said house and garden?

9th Whether or not did the said William and Mary or either of them

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express a particular desire to preserve the said house and garden for themselves as a home and did they express this desire to the Defendant the said Cumberland Dugan and the said Yates or either of them and to which of them?

10th Whether or not did the said William and Mary Davis or either of them apply to the Defendant and request him to use his influence with the said Dugan to have the said lots not sold together but that they should be so divided into three subdivisions that the said house and garden might be comprised in one subdivision in order that the same might be bid off for the said William and Mary or one of them by a friend?

11th Whether or not did the said Defendant inform the said William and Mary or one of them that he would apply to the said Yates to advise the said Dugan to consent the said lots should be so subdivided and that he would let the said Yates know as an encouragement for the said Dugan to do so that he the said Defendant would purchase one of the other subdivisions?

12th Whether or not did the said Defendant apply to the said Yates to recommend to the said Dugan so to subdivide the said lots informing him that it was to be done to enable the said William and Mary or one of them to purchase by a friend the subdivision which should contain the house and garden aforesaid or who did apply to the said Yates, and what reason was assigned for desiring the said subdivision to be made?

13th Whether or not was a sale made of the said four lots? did the said Yates attend the said sale and make the same, and was the said sale made on the premises?

14th Were the said lots sold altogether or were they thrown into three divisions, the one of the said divisions containing the said house and garden and the other two divisions containing the residue of those lots and if they were thus subdivided at whose instance was it done and for what reason?

15th Whether or not did the said Cumberland Dugan produce at the place of sale a plott of the said lots and is the plat now shewn to the Commissioners the plat by which the sale was made?

16th Whether or not were the three subdivisions distinguished on the said plat by lines drawn across it with a lead pencil and were one of them and which of them intended to include the house and garden aforesaid.

17th Whether or not was there at the time of the sale a post or stake put down or a post or stake before in the ground which was fixed on as the corner between the first and second division

18th Whether or not at the time of the sale was the said garden enclosed by an enclosure separating the house and garden from the other? and was the division line