## December Term 1840

"peace in and for Wayne County and State of Indiana - William Cox, J.P. (Seal)
July 18th 1837.

"I, Lynde Elliott, having been by James W. Borden Esqr. (the Commissioner) appointed to take depositions and examine witnesses in a cause depending in Harford County Court of the State of Maryland, wherein Mary Ann Smith is plaintiff and John Hannah Robert Hanna Alexander Hanna and William Hanna are defendants) appointed his clerk do solomnly swear that I will truly faithfully and without partiality to any or either of the parties interested in this case take write down and transcribe the testimony of all and every the witness, and witnesses produced before and examined by the commissioner as far forth as I shall be directed and empowered to take write down and transcribe the said testimony or any part thereof. Lynde Elliott

"Sworn and subscribed before me - Jas. W. Borden Commissioner - July 18th 1837.

"Mary Ann Smith
vs
John Hanna and others.

In Harford County Court. The commission in the above case which is hereunto annexed was opened at the office of James Wallace Borden Esqr. in the Borough of Richmond in the County of Wayne and State of Indiana on the 18th day of July 1837 and he having been duly sworn in compliance with the requisitions of said commission before Wm. Cox, Esqr. a Justice of the peace in and for Wayne County aforesaid as will more fully appear by reference to his affidavit aforegoing proceed to the execution of the duty assigned him and appointed Lynde Elliott his clerk, who was also duly sworn as will appear by reference to another aforegoing affidavit.

"Testimony of Levi Kerans - Levi Kerans of lawful age being affirmed in answer to four several interrogatories filed by Otho Scott Esqr. Attorney for the plaintiff testified as follows:-

"Interrogatory 1st. Do you know the parties in this case; if yea how long have you known them? answer, "I know them and have known them for ten or twelve years".

"Interrogatory 2d. Were you or not present when John Hanna and some of his sons broke into and entered the field and barn of said plaintiff, if yea state what you know in relation thereto? Answer - "I was present in the latter part of October 183—, when John Hanna by means of a false key entered the barn of Mary Ann Smith, where (on the preceding evening contrary to the express orders of the said Mary Ann Smith given in my presence to two of the sons of the said Hanna to wit: (Alexander and Robert) had been deposited two or three loads of buckwheat in the straw; I saw him the said Hanna in presence of his two sons as well as myself in an apparent rage enter the barn - throwing away the lock - and commence threshing the said buckwheat. The said Mary Ann Smith soon after entered, and ordered said Hanna and his sons to leave the barn; and told him his property should be thrown out - He did not however go, nor take his property away until he saw fit; but treated the said Mary Ann Smith indignantly, and used ungentlemany language towards her until she left the barn".

"Interrogatory 3d. Did you or not, at any time see John Hanna or any of his sons enter any of the fields or the barn of the said plaintiff if so state what field or barn which of said persons - that is John Hanna or his sons enter, and at what time as near as you can state? Answer - "I never knew John Hanna or any of his sons to enter the barn of the said Mary Ann Smith except at the time mentioned above; but having frequently seen each and all of them cross a certain field belonging to the plaintiff (on the road leading from the Priest Bed Bridge in the direction of John Hanna's farm) after being warned not to do so, both before and after they



## December Term 1840

"had entered the said barn in manner as above stated".

"Interrogatory 4th. Do you know any other matter or thing advantageous to the plaintiff? Answer - "I now recollect nothing further that would have any material bearing upon the case".

"Cross interrogatories. All the interrogatories filed by the counsel for the plaintiff having been answered and recorded the cross interrogatories filed by Benjamin W. Bradford attorney for the defendants were then opened (being three in number) and propounded in the words following to wit:-

"Interrogatory 1st. When the defendants or some of them entered the plaintiffs barn as testified by you in answer to plaintiffs interrogatories state whether the lock of the barn was broken or unlocked? Answer - "It was unlocked with a false key which John Hanna brought to the barn in his hand and which did not belong to the barn lock".

"Interrogatory 2d. Did not Robert Hanna or some one else of the defendants, go to the house of the plaintiff and apply to the plaintiff for the key of the barn before the same was entered at the time spoken of by you? Answer - "Robert Hanna previous to the entering of the barn by John Hanna called on Mary Ann Smith for the key which she refused to give him, on the ground that the first entery was made by him and his brothers against her express orders telling him she meant to have satisfaction for said entery before a re-entry took place".

"Interrogatory 3d. Did not the defendant John Hanna at the time he entered the barn as before stated ask Mrs. Smith the plaintiff why she had not refused to let him enter the barn, or forbid him to do so, on the morning preceding when he had mentioned the subject to her, and what was her reply to this inquiry? Answer - "I do not know whether John Hanna saw Mary Ann Smith or not on the morning previous to his entering the barn - some conversation had previously passed between them; the details of which I do not now recollect". There being no other witness to examine and no further interrogatories to propound to this witness touching this cause the witness was discharged and the commission closed.

Attest, Lynde Elliott Clerk.

"I James Wallace Borden the person mentioned in the commission hereunto annexed, do hereby certify that the above named Levi Kerans was by me duly affirmed to testify the truth and nothing but the truth and that the aforegoing testimony by him was reduced to writing by Lynde Elliott and was taken at my office in the Borough of Richmond on the 18th day of July 1837. James W. Borden Com. (Seal)

The plaintiff further to support the issue joined proved that the defendant John Hanna and his sons Robert and Alexander Hanna who are likewise defendants and were in the employment of the other defendant John Hanna before the institution of this suit entered her field designated on the plots as beginning near rod M. and running as per table of courses No. 1 and that they had entered the same at three several points marked on the plats by the letters D. E. and F. and had passed from F. to G. to the farm of the said John Hanna and from the farm of the said John Hanna to the great road at F. and further proved that the plaintiff had had erected bars at D. E. and F.

The defendants then to support the issue on their part offered in evidence the deposition of Dr. Gillet, taken under an order of Court passed in the cause the said Gillet being out of the state of Maryland which is as follows to wit: "Doct. Jacob Gillett, a witness on part of the defendants being first duly sworn, deposeth and saith that in the year 1829, he applied to John Hanna for boarding who replyed that he would do so if he again rented the premises where he then lived from James B. Herbert and that he would give him deponent an answer on his deponents