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saith: 1st. Inter. I know George Troxell George Wolf and (Mrs Wolf by sight) the rest I have probably seen but do not know them so as to distinguish them. I know all the sons and daughters of John Troxell sen.r dec.d. I know Joshua Motter and some others of the defendants but I do not know all of them.

2d. Inty. I knew Peter Troxell of John. I can't remember the precise period of his death. I do not know whether he died intestate or made a will. I never heard that he made a Will. I was not sufficiently acquainted in his family to be able to name all his children or to state their ages.

3d. Inter.g. I knew John Troxell sen.r. I knew him since about 1781. He died about 6 years ago, but I cannot be precise.

4th. Inty. I know that John Troxell sen.r sold to his son Peter all his land, on the right hand side of the lane as you went from the Mill up to the road leading from Emmitsburg to Frederick I speak of the road as it then existed. Peter was to give 1000 £ for this land and a mountain lot included. it was to be paid for in instalments of 100 £ per annum. I drew the bonds they were executed and delivered in my presence and I witnessed them. complainants solicitor here produced exhibit G. W. of the complainants bill and desired the witness to look at and examine the same. the witness proceeded to testify as follows) I have looked at the paper now shown to me marked exhibit G. W. the signature Jos. Hughes thereto is in my hand writing and what appears of the face of the instrument is also in my hand writing. the endorsment of credits on the back looks like the hand writing of John Troxell sen.r although I cannot be sure. I believe it to be a payment of one of those bonds the contract was made I think in 1812. I wrote the article between them and I myself suggested that it was unnecessary as I had previously written a will for the said John Troxell sen.r in which the property was specified and I considered it the same as if he had made a deed but this will was never put in execution but was cancelled. I afterwards wrote another for him which was never put in execution. I did not write his last Will I believe Major Mooney wrote it. Peter was probably living on this property at the time of the contract I saw him there afterwards in 1814 or 1815, and bought a cow of him. Peter lived on this property until his death.

5th. Inter.g. Some time after the death of Peter Troxell not very soon after his death John Troxell sen.r took back a part of said property about one hundred acres as I understood him when he first proposed it to me I thought it would not be prudent although I thought it would be reasonable he said the widow could not pay the balance of the purchase money without selling the land. I told him I thought the widow ought to consent to consent and all the children. John Troxell sen.r never mentioned to me how much of the purchase money had been paid by Peter nor how much remained due. I understood from him some had been paid but how much he did not say, or if he did I do not remember it. Peter was a hard working and industrious man. the quantity of land sold to Peter Troxell by John Troxell sen.r was upwards of 250 acres besides the mountain lot the residue of the property not taken back by John Troxell remained in the possession of the widow of Peter, who is still living upon it, I think the children remain with her.

The sixth interrogatory was waived as to this witness.

David Kephart aged 42 years deposeth. 1st. I know all the complainants I know Joshua Motter and John Troxell of John and some of other of the defendants but not all of them.

2d. I did know Peter Troxell of John late of Frederick County deceased I

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knew him some 10 or 12 years before he died, I do not remember exactly the time he died I was there while he lay sick just before he died it seems to me to be about 1817 or 1818. I do not know whether he made a will or not. Peter Troxell left a widow Magdalena who is yet living and the following named children, George Troxell Charlotte Troxell now Charlotte Wolf the wife of George Wolf one of the complainants John Troxell Harriet Troxell they were all small when I lived there. John Troxell was born in 1801 or 1802. Mrs. Wolf the wife of George Wolf is older than John a couple of years.

3d. Inter.g. I did know John Troxell sen.r. I knew him 10 or 12 years it appears to me to be about 7 or 8 years since he died. (Other general interrogatories waived as to this witness).

To the 1st. Special interrogatory. about 1810 I went to live with Jacob Troxell and believe he and his father John Troxell lived together in the same house I lived with Jacob 4 or 5 years but worked sometimes at Peters.

2d. Special Inty. I never heard John Troxell sen.r say any thing about selling land to Peter but heard him speak of the property as Peters land. I heard Jacob complaining that the old man had done so much for Peter, and so little for him. he said he had to give for his property more than it was worth I understood that the place held by Peter contained about 300 acres I do not remember that the old gentleman was present when Jacob was complaining.

3d. Special Interg. Peter Troxell of Jno. was an industrious pushing hard working man I was not much of a farmer but he seem'd to do what any one could do on a farm I remember he push'd us pretty hard during harvest.

4th. Special Interg. I cannot remember particularly) but he farmed as well and made as good crops as his neighbours. I do mind he raised some good grain.

5th. Special Interg. I knew the black man very well I always understood he belonged to Peter Troxell they always called him Peters Jim. I heard John Troxell sen.r call him Peters Jim. I heard Jacob Troxell complain that his father had given Jim to Peter, and when he wanted one he had to buy him. the old gentleman was not present when I heard Jacob so complain at one time after Peter's death it appeared to Jim was with the old man in Town.

(Commission adjourned til tomorrow 8 o'clock)

August 26th. 1843 William Rill aged 37 produced on the part of the complainants to the interrogatory to him propounded he answered and said. 1st. I know the farm but I do not know the quantity of land I have known it for ten years and I lived on it one year about 10 years ago, when I first heard of it John Troxell sen.r was said to have possession since I have known it John Troxell of John has had the use of it.

2d. A great deal of wood was haul.d off, but I cannot say what quantity part was haul.d to the Sisterhood and a part to Emmitsburg hauling of which I speak occurred while I lived there. it was hauled away and sold by the direction and for the use of John Troxell of John, some has been cleared since but I do not know what has been done with the wood all on the right hand has been cleared since the time of which I speak.

Cross interrogatories. He is a son of Peter Troxell, and one of the complainants I do not know that any wood on the left hand side was cleared away I cannot tell what quantity of wood was hauled away. I broke up 13 acres of new ground though some part of it had been cleared before I came a great deal of the wood was used in fencing the land.

2d. Cross interrogatory. I think the farm was benefitted by clearing it