Winebrenner, I mean I was with them when they ran it. I had an interest in knowing where the lines were. I had the privilege of cutting wood peeling bark on all the land Wood owned there and had possession of it all.

6th I. Answer. I cant say the distance, just a few steps to the Winebrenner tract from the house.

Cross examined by the Caveatee.

1st Answer. I cannot tell. I dont know any thing about the plat. I never heard of the "Birmingham Mines" tract by that name. I cannot state whether the house or any of the improvements are on any part of the tract of land conveyed by Smith to Wood. I cannot state if the house or improvements are within the lines of a tract of land called "Cairs",

2d I. Answer. I cannot state.

Re-examined on the part of the Caveators.

7th. I. Answer. I do not. I do not know them by their patent names. I never saw the deed from Smith to Wood, and know nothing about the plat, and dont know the lands as they are laid out on the plat by the plat itself.

8th. I. Answer. I do.

Additional Cross interrogatories on the part of the Caveatee.

3d. I. Answer. It is at least one half a mile. I never heard or regarded the land around the Gum Spring as belonging to Wood. I never saw the North line or the West line run.

Again re-examined on the part of the Caveators

9th I. Answer. I dont know any thing about the Gum Spring "only" as it was so called by all others living in the neighbourhood.

William Brace recalled by the Caveators.

1st I. Answer. In answer to said question, I have laid down the land designated on said Map by letters A, B, C & D. in black ink.

2d I. Answer. No I never did.

Re-cross examined on the part of the Caveatee.

1st I. Answer. I have been a surveyor for the last twenty one years past and have had much experience in writing and figuring, map making &c. I think the figures have been altered.

2d I. Answer No they do not.

Joseph Preston recalled by the Caveators.

1 I. Answer. It was right above and West of the house I built for Wood.

11. I. Answer. I had not.

It is admitted that the execution of the deed from Morris Winebrenner and wife, to David Wood produced in evidence by the Caveators and the letters of William Owens marked W. M. O. No 1 and W. M. O. No 2 produced by the Caveators as further evidence for the Caveators are admitted to be the letters of said Owens.

The Caveators also file certified copies of the Wills of the late David Percy, and the late James Percy of Allegany County, as evidence in their behalf.

It is further admitted that the widow of the late Charles B. Thruston is named Rosalie Thruston, and this his four children and heirs at law are Rose, Elizabeth, Mynna, and Charles M. Thruston all minors, and that he died intestate.

State of Maryland, Allegany County to wit,

I do hereby certify that I have proceeded to take the testimony according to the annexed order and notice on the 19th day of November in the year 1869 at my Office in the City of Cumberland in Allegany County Md, and the same was continued from day to day until the whole was taken on the part of the Caveators and cross examined on the part of the Caveatee which I certify and herewith return.

Given under my hand and seal this 30th day of November 1869.

Andrew Snider J. P.