for about twenty five years and it was always during that time in the possession of the said Joshua Swann until his death, witness knew that it was in the possession of the said Swann long before witness became acquainted with him, Witness lived during all that time within from six to eight miles from said land and passed it frequently and during the last fifteen years had frequent dealings with the said Joshua Swann and became well acquainted with him, and was on the land very often. The said Joshua Swann cultivated the said land and witness has seen him ploughing it, witness never knew any one else to cultivate it.

5th To the fifth of said Interrogatories that he thinks that the said Emily A. Baxter did not live with the said Joshua Swann at the time of his death he is satisfied that she did not live there as her home.

6th. To the sixth of said Interrogatories that he knows nothing on the subject thereof.

The said Daniel Henry being then cross examined on behalf of the defendants and by consent of Counsel without written cross Interrogatories makes oath deposeth and saith as follows that is to say. Being asked by what right the said Joshua Swann held possession of the property? he replies that he knows nothing about Mr Swanns title to the lands, all that he knows is that Mr Swann cultivated that farm and held possession of it. The Commission was then adjourned to the twenty fifth day of October in the same year, at four O'Clock in the afternoon and the same place, at which last mentioned time and place the commission met pursuant to notice, and I then and there proceeded to take the following depositions that is to say.

Thomas Gorsuch, a witness of lawful age produced on behalf of the Complainant being first duly sworn on the Holy Evangely of Almighty God being examined upon the Interrogatories propounded to witnesses in that behalf and thereunto annexed makes oath deposeth and saith as follows that is to say. (Page 1 of Interrogatories.)

1st To the first of said Interrogatories that he knows the said Joshua Swann for something in the neighborhood of from thirty to forty years.

2nd To the second of said interrogatories that witness has not seen the hand writing of the said Joshua Swann for a long time but thinks he should recognize it, he saw the said Swann write but not very often, may be a dozen times.

3d To the third of said Interrogatories that witness has now looked at the said Complainants Exhibit I.S. and the said signature there to purporting to be that of Joshua Swann and he thinks it to be the genuine signature of the said Joshua Swann deceased.

4th To the fourth of said Interrogatories that witness knows said land and worked on it for many a day and has known it for thirty or forty years and done many a days hard work on it. The said Joshua Swann deceased occupied it and cultivated it from about thirty years ago to the time of his death.

5th To the fifth of said Interrogatories that he thinks the said Emily A Baxter did not reside with the said Joshua Swann at the time of his death, the old man (said Joshua Swann) never would consent to her coming there during his life, There was a tenement on the place in which Baxter and his said wife wished to live, some few years before said Swann died, and said Swann had the tenement pulled down to prevent them from moving into it.

6th To the sixth of said Interrogatories that he knows nothing on the subject thereof. The Commission was then adjourned to the thirteenth

day of December in the same year at ten O'clock in the forenoon and the same place at which last mentioned time and place the Commission met pursuant to notice, and I then and there proceeded to take the following depositions that is to say.

Matthew Murray a witness heretofore produced sworn and examined on behalf of the Complainant being now desirous of explaining part of his testimony given on such examination makes oath deposeth and saith as follows, that is to say. That he desires to explain his answer to the fourth Interrogatory on behalf of the Complainant, (See page 2) Witness in that answer meant to say that Joshua Swann was in possession of the farm from the year 1820 until the time of his death, and that Emily A Baxter did not always live there, and was not in possession of it or exercise any control over it in her fathers lifetime after the death of the said Joshua Swann the said Emily A Baxter and her husband came into possession of it. as he has been informed witness has not been on the place himself for the last ten years. In answer to a question by defendants Solicitor says that the means of information of witness as to the property in Joshua Swann's lifetime are that witness has been on the land and met the said Joshua Swann frequently in Baltimore and had conversations with him and that there can be no doubt that Joshua Swann was in possession of the lands up to the time of his death.

The Commission was then adjourned to the thirty first day of January in the year of our Lord Eighteen hundred and fifty one at ten o'clk in the forenoon, and the same place at which last mentioned time and place the Commission met pursuant to notice, and I then and there proceeded to take the following depositions that is to say.

William Baxter, a witness of lawful age produced on behalf of the defendants being first duly sworn on the Holy Evangely of Almighty God, being examined on the Interrogatories propounded to witnesses in that behalf and hereunto annexed, makes oath, deposeth and saith as follows, that is to say. (Page 2nd of Interrogatories)

1. To the First of said Interrogatories that witness is fifty years old and resides in Baltimore County near Kingsville.

2. To the second of said Interrogatories that he does not know the Complainant but he knows the defendant James and Emily Baxter and is the Brother of the said James Baxter.

3. To the third of said Interrogatories that witness knew the said Joshua Swann for Eighteen or Twenty years before his death.

4th To the Fourth of said Interrogatories that the said Joshua Swann died on the second day of September in the year 1842.

5th To the Fifth of said Interrogatories, that he knows nothing on the subject thereof.

6. To the Sixth of said Interrogatories that he knows nothing on the subject thereof.

7. To the Seventh of said Interrogatories, that witness has all his life been acquainted with the said farm on which Joshua Swann died and was born within two miles of it and has resided all his life in that neighborhood and has worked on said farm and been over every part of it, and cannot pretend to count the number of times that he has been on it since the year 1819 but he has been on it every year since that time and sometime every week.

8th To the Eight of said Interrogatories that he knows nothing on the subject thereof.