in the Circuit Court for Washington County as a Court of Equity as to
the defendants. These defendants answering the said Bill of Complaint
so much thereof as they are advised it is material or necessary for them
to answer and answering say that they admit an understanding between
the said Peter Shuman and other Neighbors to erect a School House
that a piece of the Farm of said Peter was selected as the site of said
School House and that these defendants executed a deed conveying said
piece of ground to James Malone Daniel Miller and Henry Snyder Trustees
and their successors for the purpose of said School But these defendants
utterly deny that said deed was intended to be any thing other than it
was or that it was intended to convey to the said grantees or trustees
or cestuis que trust any right. And these defendants aver that it was only intended
to convey the said piece of Land to the said parties as a Corporation and
that no deed could have been made to them as individuals. And these
defendants further admit the erection of the School House but they
cannot say with whose money or how much it cost. They suppose the
money was contributed by the neighbors and that it was generally
agreed that it was to be used as a School House by the neighborhood
without any disturbance of or from these defendants. And these
defendants deny that there was any mistake in the drawing of
said deed. And they aver that the said parties have for ten years
past practically permitted the terms and conditions of said conveyance
to be violated and have suffered public Worship to be held in said
School House whereby the adjoining property of the said Peter has
been greatly trespassed upon and injured and to the great annoyance
of the said Peter and those residing in his premises. And these
defendants disclaim all rights in the said Complainants to call
them for any Conveyance differing from the one already executed
or claiming any other or different title may be hereafter determined
with their costs.

Spencer & Harbine for Defendants.

State of Maryland Washington County sct

On this 25 day of January 1853 personally appears before the
subscriber a Justice of the peace of the State of Maryland in and for
said County Peter Shuman and Catharine Shuman his wife
and make oath respectively that the within answer is true to
the best of their knowledge information and belief.

Sum to before Jacob Blocher JP

Thereupon further proceedings in the premises aforesaid between the
parties aforesaid were continued until the 1st Tuesday of March
1853, At which said 1st Tuesday of March being the
7 day of the same Month in the year of our Lord 1853 came
again into Court here the parties aforesaid by their Solicitors aforesaid.
And the said Solicitors further respective parties file in Court
here the following agreement to Wit.

Miller and others
vs
P. Shuman and wife

Interest Court

We agree that a Commission shall
be issued to Andrew J. Snyder Esq. to take testimony in this cause

John Mac for Complainants
Spencer Harbine for defendants

State of Maryland Washington County to wit

The State of Maryland To Andrew J. Snyder Gentleman Greeting. We do hereby
that you are appointed Commissioner to examine Witnesses in a cause depending
in a cause in the Circuit Court for Washington County in a Court of Equity
Between Daniel Miller and Henry Snyder Complainants and Peter
Shuman and wife defendants. Therefore you are requested having
first taken the oath hereto annexed and also administered the annexed
oath to the Witness when you shall appear as Clerk to attend the
execution of this commission. That all such time and place as to
shall seem convenient you cause to come before you all such witnesses
as shall be named or produced to you by either the Complainants or
Defendants and that you examine them upon their oaths
which you administer on the Holy Evangelists of Almighty God touching
their knowledge or remembrance of any thing that may relate to the
cause aforesaid and that you cause notice to be given to the parties
or their Solicitors of the Execution of this Commission before you execute
the same and having reduced the depositions of the witnesses so
taken by you into writing you send the same with this commission
closed under your hand and seal to this Court with the annexed
Specs. Witness the Hon. Thomas Perry Judge of our said Circuit
Court 7 day of March 1853.

Issued the 25 day of March 1853.

Isaac Nesbitt Clk

Accompanying the foregoing commission were the following interrogatories
to Wit

Daniel Miller and
Henry Snyder
vs
Peter Shuman and
Catharine his wife

Interrogatories to be propounded to Witnesses
to be produced Sworn examined on
the part of the Complainants. Int 1st
Do you know the parties or either of
them and how long have you known the parties or either of them?
Int 2d Have you any knowledge of the agreement or understanding
between Peter Shuman and James Malone late deceased Daniel
Miller and Henry Snyder and others of the Neighborhood
for the erection of a School House called Jacobs School House
Do you state what that agreement was and whether said School
House was erected and by whom.
Int 3d Look at paper the paper writing now shown you being the
Complainants exhibit marked A and state whether you are
acquainted with the handwriting of the Defendant Peter Shuman
and whether the name of Peter Shuman which is signed to the
said paper is in the proper handwriting of the said Peter
Int 4 Do you know the piece of ground described in
and conveyed by the said paper marked A. If you state whether
it was the intention of the said parties that of the said James Malone
Daniel Miller and Henry Snyder should and they do not claim
that then the said land and School House should belong to the
said Peter Shuman or whether it was the intention of the trustees
that the piece of ground should belong to the said Neighborhood
in fee and absolutely forever for a School and School House
State all you know of the said agreement and understanding of