the 20 day of December in the year aforesaid when the parties aforesaid by their Solicitors aforesaid filed in said Court their following agreement to make other parties defendants and to issue commission to take testimony to wit

James and others vs Thomas C. Stump } It is agreed that Jeremiah B. Haines and John Kirk be made parties defendants in this cause, and that the answers filed by Stump be considered as filed answers of all the Defendants and that a Commission issue to take testimony issue to A. L. Jarrett, H. B. Penn Solr for Complt, Alex Scott Solr for Deft

And thereupon Commission to take testimony issued out of this Court bearing date the same A. L. Jarrett directed in the words of the Court following to wit

Commission to take testimony.

Maryland ss. The State of Maryland to A. L. Jarrett of Harford County greeting Be it known that we have appointed you a Commissioner to examine witnesses in a cause depending in Harford County Court between Samuel Henry, Sedgwick James and Elizabeth his wife, Samuel Denny and Mary his wife, Ann Henry widow & Issac Henry, Benjamin Henry, Robert Henry, Henry Samuel Henry, William Henry, Mary Henry, Sarah E. Henry and Caroline Henry, heirs at Law of Robert Henry Complainants and Thomas C. Stump, Jeremiah B. Haines and John Kirk Defendants therefore we do request having taken the first annexed oath and administered the second annexed oath to the person whom you shall appoint as Clerk to attend the execution of said Commission that at such time and place as by you shall be convenient you cause to come before you all persons mentioned as shall be named and produced to you by either the Complainants or defendants, and that you examine them on their respective oaths to be by you administered upon 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 attorneys of the execution of this Commission before you execute the same and having received the depositions of the witnesses so taken by you into writing you send the same with this our Commission close under your hand and seal to us in our County Court with all convenient speed

Witness the Honorable Stevenson Archer Chief Judge to our said Court the 20 day of November 1845.

(Seal) Issued the 20 day of November 1845. H. D. Gregg Clk

And all further proceedings in this cause standing continued until the seventh day of December in the year of our Lord 1845 when the said Commissioner made return of the said Commission to the Court duly executed as hereunto annexed to wit

Return of Commission

James and others vs Thomas C. Stump & others

To the Honorable the Judges of Harford County Court as a Court of Equity. The undersigned Commissioner specially appointed by your Honors Court to examine witnesses in the above case, begs leave most respectfully to inform that by virtue of the Commission annexed to good notice to the parties Complainants and defendants through their respective Counsel did he attend on the 8 day of December 1845 at his office in Bel Air proceed to execution of the Commission that on the motion Counsel he took the Oath required for the Commissioner to take and appointed Samuel Robinson Clerk to attend the Execution thereof, and administered to him the Oath as such both of which appear endorsed on said Commission. That your Commissioner attended in the day as appointed to take such testimony as should be there and then adduced till the day being motioned. Further of the parties or their counsel appeared and he adjourned our said Commission to a day subsequently to be agreed upon, Bel Air 12 January 1846. The parties having agreed upon the day for the taking of testimony in the part of defendants and having notified your Commissioner thereof he proceeded to the execution of duty assigned him when the defendants appeared by Alex Scott their Solicitor and filed Interrogatories to be put to the Witnesses in their behalf viz. The Defendants Interrogatories No 1 and produced Thomas C. McCausland who being duly sworn in answer to said Interrogatories testified as follows to wit.

Testimony. To the 1st July says He knows all the parties and has known them for many years.

To the 2d July says He knows said James Hall that said Richey had said land in possession at the time of his death and had been there for more than 25 years previous thereto.

To the 3d He always considered said Richey the owner of said lands and never heard any thing to the contrary thereof, And he believes he had the exclusive possession, to wit: Never heard of any other. To the 4 July He knows of nothing more. Robert Morgan being duly sworn also answered said Interrogatories as follows. To the 1st July says. He knows all the parties and has known them for more than 40 yrs.

To the 2d July knows said lands that the owned the lands as family thereto where he has resided over 40 years. That said Richey had possession of the lands referred to ever since to deponent can remember. To the 3d July that said Richey always claimed and exercised ownership over said lands that the said land for a number of years from and to time claiming as far back as deponent can remember. That said Richey had exclusive possession thereof. To the 4 knows of nothing further. James Hall being also duly sworn and answered said Interrogatories as follows. To the 1st Interrogatory says he knows them all. To the 2d July says he knows all the lands referred to that said Richey had them in possession a long time and died possessed of them. To the 3d Interrogatory says that said Richey always claimed possession of said lands and had possession of them before the last War,