April Term 1865

following to Wit,

Joseph H. Brown
vs
John Dean and
Robert Thomas

In Equity. To the Honorable R. B. Carmichael
Judge of the Circuit Court for Caroline County
In Equity.

At the execution of the annexed Commission issued out of the Circuit Court for Caroline County as a Court of Chancery and to me directed and empowering me to examine Witnesses in the cause depending in the said Court between Joseph H. Brown as Complainant and John Dean and Robert Thomas as defendants I James B. Steele the Commissioner therein named having met on the 1st day of December 1859 pursuant to previous notice given to the said parties, and taken the oath annexed to the said Commission and having appointed John D. Kemp Esquire my Clerk and administered to him the oath annexed to the said Commission to be duly sworn did proceed then and there to open and execute the said Commission At which time no interrogatories being been filed with the Commissioner, and no Witnesses being present the further execution of this Commission was postponed until December 14th 1859 at which time (notice having been duly given to parties of the time and place of Meeting) no interrogatories having been filed with the Commissioner and no Witnesses being in attendance the further execution of this Commission was postponed until the 21st day of December 1859, At which time no Witnesses being in attendance and no interrogatories being been filed with the Commissioner Although due Notice of the Nature of the time and place of Meeting had been given to the parties, the further execution of the Commission was postponed until the 18th day of March 1860, At which time no Witnesses being in attendance and no interrogatories having been filed with the Commissioner although notice of the time and place of Meeting had been duly given to the parties the further execution of this Commission was postponed until the 12th day of June 1860, At which time in execution of this Commission Peter Collins a Witness of lawful age being produced on the part of the Complainant, and being duly sworn to interrogatories filed with the Commissioner deposeth and saith to the first Interrogatory.

1st Interrogatory He answers and says that he knows the Land called "Clover Chance" that he first knew the same more than twenty two years since and that it was then in the possession and occupation of Garrettson Reed.

2d Inty He answer and says that he has often worked in the Land for the said Garrettson Reed and more than twenty two years back

3d Inty He answer and says that the said Land was in the possession of the said Garrettson Reed up to the time of his decease and that he cut and used the Wood and timber growing therein for the use of his Lands wherein he resided,

4th Inty He answers and says the said Garrettson Reed departed this life about the year 1849.

5th Inty He answers and says that he does not know

Peter Collins (his mark)

Cross Interrogatories propounded on the part of the Defendant to Peter Collins.

1st Inty He answers and says, that he is 53 years of age, born at

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Collins or Hubbards Cross Roads in Caroline County and removed from there to the 3d Election district where he has since lived.

2d Inty He answers and says that he refers to a made friendly Land between Garrettson Reed and John Dean, said to contain about Eleven acres and is the Land now in contention between Joseph H. Brown and John Dean,

3d Inty He answers and says, that to the best of his knowledge and belief it never has been enclosed by Garrettson Reed.

4 Inty He answer and says that he does not.

5th Inty He answers and says that he does not know of any dispute as to the title of the Land at the time of the cutting and hauling of the Wood and timber spoken of in the 3d Inty on the part of the Complainants, but that at the division of the Reed Estate of Garrettson Reed he heard John Reed say that this Father Garrettson Reed had no title, or no deed, he does not recollect which for this Land in dispute called.

Clover Chance" but that it should be divided that this Father had paid for it, but he did not believe that he had a good right to it, He admitted however got it to make him feel safe in its Results by calling the timber off, and that they would then have, if they then got the Land from them it would not be much loss,

Test John D. Kemp

Peter his mark Collins

Additional Interrogatories to Peter Collins on the part of the Complainant, answers that he did hear him so say at his Witness shop where John Dean was hauling down Wood and that it was about a year ago

Peter his mark Collins

His Interrogatory and the answer thereto, excepted to by the Counsel on the part of the Defendant,

Jas B. Steele Comr.

Henry Andrew a Witness of lawful age produced on the part of the Complainant being duly sworn and examined deposes and says.

1st Inty He answers and says that he did hear John Dean say that he knew that Garrettson Reed had purchased this Land in dispute called "Clover Chance" but that he did not know whether he had paid for it or not and did not name any person of whom he purchased it.

Henry his mark Andrew

James Fitzgerald a Witness of lawful age produced on the part of the Complainant being duly sworn and examined, deposes and says,

1st Inty Answers and says that he was present at the division of the Reed Estate of Garrettson Reed that John Dean was there and was one of the Chain Carriers, Witnesses being the Surveyor, that during the said survey the said John Dean remarked at a time his uncle Garrettson Reed had in getting this Land called Clover Chance" from Mr. Kelly and that it was known by the name of the Kelly Lot"

2d Inty He answers and says that he did not make any objection but said that they gave the same he was run by Mr Arrell many years ago and that the Kelly Lot" was included in the said survey, but that this declaration in relation to the lines was made just before they got to the Kelly Lot, and