by his Attorney aforesaid filed in the cause here his general replication to the answers is as aforesaid filed in the words & figures following to wit

Twigg vs Commissioners of Allegany County } No 1393 Equity. To the Honorable Daniel Weisel Judge of the Circuit Court for Allegany as a Court of Equity.

The Replication of William Twigg Complainant to the answers of the Commissioners of Allegany County John Young Thomas M Daniels and Christopher Kelley defendants.

This replicant saving and reserving to himself all and all manner of advantage of exception to the manifold insufficiencies of the said answers, for replication thereunto saith that he will aver and prove his said bill to be true certain and sufficient in the law to be answered unto and that the said answers of the said defendants are uncertain untrue and insufficient to be replied unto by this replicant; without this that any other matters and things whatsoever in the said answers contained material or effectual in the law to be replied to confessed and avoided traversed or denied are true, all which matters and things this replicant is and will be ready to aver and prove this replicant is and will be ready to aver and prove as this Honorable Court shall direct and humbly prays as in and by said bill he hath already prayed

Geo A Pearre Solicitor Replicant.

And on the day and year last aforesaid the said William Twigg by his attorney aforesaid filed in the cause here a petition in the words & figures following to wit

No 1393 Equity

Twigg vs The Commissioners of Allegany County and others } To Horace Resley Clerk of the Circuit Court for Allegany County as a Court of Equity.

The petition of William Twigg Complainant in this case respectfully represents that this cause is at issue between the parties and is therefore ready for the taking of testimony.

He therefore prays that you may issue a commission to take testimony to the standing Commissioners of this Court.

Geo A Pearre Solr for Complainant

Whereupon a commission issued to Jacob Brown Esquire in form following to wit.

Maryland Allegany County sct The State of Maryland To Jacob Brown Esq of Allegany County in the State of Maryland Greeting Be it known that you are appointed Commissioner to examine witnesses in a cause depending in the Circuit Court for Allegany County between William Twigg Complainant and the Commissioners of Allegany John Young Thomas M Daniels and Christopher Kelley respondents Therefore you are required having first taken the oath hereunto annexed and also administered the annexed oath to the person whom you shall appoint as Clerk to attend the execution of this commission that at such time and place as to you shall seem convenient you cause to come before you all such witnesses as shall be named

or produced to you by either the plaintiff or defendants and that you examine them upon their respective oaths to be by you administered 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 Attorneys 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 the said Circuit Court with all convenient speed,

Witness the Honorable Daniel Weisel Esquire Judge of the said Circuit Court the 13th day of April 1863.

Horace Resley Clerk
of the Circuit Court for Allegany County Maryland,

Commissioners Oath

You shall according to the best of your skill and judgment truly faithfully and without partiality to any or either of the parties take the examinations and depositions of all and every witness and witnesses produced and examined by virtue of the Commission hereunto annexed upon the interrogatories now or whatsoever hereafter before the said Commission is closed be produced to and left with you by either of the said parties So help you God

J M Strong J. P.

August 11 1863.

Copies of the following interrogatories were sent out with the aforesaid Commission.

William Twigg vs Commissioners of Allegany County and others } No 1393 Equity. Interrogatories to be propounded to John Daniels and other witnesses to be produced and examined on the part of the Complainant.

1st Are you or not acquainted with the lands purchased by Christopher Kelley and James Twigg finally from the Commissioners of Allegany County:

2d Have you or not any knowledge of a partition or division made of any part of said land between the said James Twigg and the said Christopher Kelley If you state when such partition or division was made and to what portion of said lands and it appears whether to the upland bottom land or the whole, state also the line of such division or partition by reference to natural objects upon the ground as existing at the time such partition was made and as existing now.

3d State when such partition was made and who was present at the making thereof.

4th Whether or not after such partition was made the said Christopher Kelley and James Twigg used occupied and claimed in severalty the lands so included by them according to the partition made between them.

5th State who since the death of the said James Twigg have occupied and cultivated that portion of the land allotted to him in such partition and who since the death of the said James Twigg has occupied and cultivated the land allotted to said Christopher Kelley in such partition.

6th State all that occurred in your presence between the said James Twigg and the said Christopher Kelley at the time of making such partition

If the designate as clearly and distinctly as you can by reference to natural