Canal there was no fence at the time of the division upon said line since then a fence has been made upon said line, I suppose by the parties owning said land The fence is a rail fence The point of intersection of said line with said Canal is about 150 or 200 yards above the old Iron House

Catharine Twigg a competent Witness produced on the part of said Complainant being duly sworn and examined to interrogatories filed with said Commissioner and thereunto returned deposes and says.

To the 1st Interrogatory Deponent acquainted with William Twigg Sam his mother.

To the 2d Interrogatory said William Twigg was born on the 18th day of June in the year 1839 my recollection of this fact is refreshed by reference to a family record kept in a Bible exhibited to and filed with said Commissioner by said Catharine Twigg said record and Bible being herewith returned.

Cross Examination.

To the 1st Cross Interrogatory on the part of John Young propounded to said Catharine Twigg She deposes and says I was kept in a family Bible which I refer to with said Commissioner.

There being no further evidence to be taken at the above time and place said Commissioner adjourned.

After due and formal notice given to George A Pearre Esq Solicitor for Complainant and J H Gordon Solicitor for John Young the undersigned Commissioner did on the 26th day of May in the year 1864 in the presence of said Pearre and Gordon Solicitors as aforesaid at the Law Office of said Pearre in the City of Cumberland in said County take the following additional testimony.

Thomas J White a competent Witness produced on the part of said Complainant being duly sworn and examined to interrogatories to him propounded and filed with said Commissioner and hereunto returned deposes and says.

To 1st Interrogatory My occupation and business is a Surveyor To the 2d Interrogatory I am.

To the 3d Interrogatory I have made a plat and explanation of the Lands which I hereunto file as a part of my answer to this Interrogatory That portion of the tract of land land claimed on said plat called Three Tod marked in red ink This part of this tract of land was sold by the Commissioners of Allegany to Twigg and Keeley was not included in the sale made by the Commissioners of Allegany County to Twigg and Keeley but that part of "Three Tod" was marked in red ink The part sold to Keeley and Twigg was sold by said Commissioners to Keeley and Twigg The last portion of "Three Tod" lies South of the broken line which divides the tract of land called "Three Tod" Such plat and explanations are correct The Chesapeake and Ohio Canal as laid down on the plat seperates the bottom from the upper end of the land sold to said Twigg and Keeley by said Commissioners The average width of said Canal and the path through said land is between six and seven perches.

To 4th Interrogatory I did before making said plat and explanations run upon the ground a division line of that part of said land,

lying between said Canal and the Potomac River said division line was pointed out to me by the grantor John Daniels and said division line is marked on the ground by a slight blaze line marked as follows, namely division line as shown by John Daniels "marked blaze" at end and Meters at the other I made such location accurately according to the showing the Potomac River runs easterwardly along the South side of said lands as indicated by the arrow marked in said river.

Cross Interrogatories propounded to said Thomas J White on the part of John Young which are hereunto attached returned,

To 1st Cross Interrogatory In the survey of which I made preparatory to making said plat and explanations hereunto filed I made no survey with reference to quantity some seven or eight years ago I made a survey of this bottom land from which I made a calculation of the quantity to each part of the bottom land, those papers having been mislaid I am not at this time able to state the quantity and my recollection is that there was about twenty acres more in the lower portion or Keeley part than in the upper portion or Youngs part It is however but fair to say that in making this survey in addition in Keeley, a considerable portion of the lower part of the bottom land which has been dug out for the use of the Ohio Chesapeake and Ohio Canal Has mine does not include all the portion dug out for the use of said Canal Company, upon the lower portion of this land and the South side of said Canal Hes all dug out for the use of said Canal Company as designated upon said Map several acres out of the dug out and wasted part East of said division line were included in the calculation, which made the East part of said bottom land about 20 acres more than the West part and several acres of the dug and and wasted part were not included in the calculation at all as far as I am able to judge from taking over the lands I observed suppose the relative value per acre of the two parts of the bottom lands is about the same with the exception of the lower portion of Keeleys which has been dug out and wasted, and continues to be washed by the drainage of the Western portion There three ditches running through both portions of the land between the Canal and river which discharge themselves through the lower portion of Keeleys part of these ditches I speak generally. The drains I speak of generally discharge themselves into the dug out portion of the land as designated on the plat.

John Daniels produced on the part of said Complainant and being duly sworn and examined to Interrogatories to him propounded and hereunto returned deposes and says (said John Daniels being the same Witness who was examined before the undersigned on Oldtown on the 4th day of September 1863)

To 1st Interrogatory I was upon the ground with Mr White at the time he ran the division line of the bottom land sold by the Commissioners of Allegany County to said Keeley and Twigg, which was a short time since I can show J H White a division line of said bottom land lying between the Chesapeake and Ohio Canal and the Potomac River.

To 2d Interrogatory I was the dividing line between John Young and Christopher Keeley of the bottom land I was acquainted between Parties