Lloyd Lynn deceased and James Chester Lynn sons of said Lloyd They are both dead said Mary Lynn died March 22d 1853 and said James Chester on the 9th day of January 1851.

To 5th Interrogatory I look at the paper now shown to me marked Exhibit No 2 The signatures thereto are respectively in the proper hand writing of the John G Lynn and George Lynn The Body of said instrument is in the hand writing of James M Schley The signature as Witness is in the hand writing of said James M Schley.

To 6th Interrogatory I can look at the paper now shown to me marked Exhibit No 3 and say that I was appointed with the knowledge of, and by all the parties to said instrument to receive two thirds of the wharfage dues provided for in said instrument as Treasurer and distributed the same to the parties entitled thereto under said instrument I have been doing as such since August 1855 and as general Treasurer of all receipts coming to some parties including the Rose Hill estate as well as the wharf property.

To 7th Interrogatory I have been appointed by said parties as Treasurer to receive the proceeds of said Rose Hill estate I do not know when the appointment was made but it was before August 1855, and I have continued up to the present.

To the 8th Interrogatory There was a property known as the Cement property on the 21st day of October 1852 in which said George Lynn was interested said property is located on Wills Creek immediately above the Tannery of James R Jones adjacent to the City of Cumberland It consisted of said Cement Mill quarries and Kiln the quarries and Kiln are included in the Rose Hill Estate and the Cement Mill is not The property which I have described as the Cement property is and was universally known as such.

To 9th Interrogatory In my judgment one fifth of any agreed rent would be a fair and equitable apportionment for the Cement Mill and four fifths for the Kiln and quarries.

To 10th Interrogatory On the 21st day of October 1852 said George Lynn was interested in a piece of property known as the wharf property which is described in the paper now shown to me marked Exhibit No 3 and is therein described as follows " All that piece or parcel of land lying between Hay Street and Chase Street continued down the Potomac River and the Potomac River in the City of Cumberland and upon this piece of land, the wharf provided in said Exhibit is erected.

To 11th Interrogatory He was never married and had no children.

Cross Interrogatory propounded to said Jonathan H Magruder on part of Complainant as signed by Thomas Hewitt Attorney for plaintiff which I herewith return.

1st Cross Interrogatory I have been acquainted with the Rose Hill estate from the time of the death of Capt Lloyd Lynn down to the present time During that time said estate was under the control of the widow of said Lloyd Lynn whether she rented any of it I do not know my impression is that during her life time she received the entire proceeds of said estate except the legacy upon certain one of which she received a portion the balance being distributed among the heirs.

To 2d Cross Interrogatory Mr Feighman occupied the dwelling house and curtilage upon said estate up to the death of said Widow since



then it has been occupied by John G Lynn, who accounts for the rents of the same The Rose Hill estate after the death of said Capt Lynn and before the execution of the deed of trust to Edgerton was occupied by his widow under his will And after making the deed of trust to Edgerton Mrs Lynn occupied up to the time of her death.

To 3d Cross Interrogatory No change took place that I know of John G Lynn never exercised any ownership or control over the interest of Mr Lynn in the Rose Hill Estate and wharf and Cement property during the life time of said George Lynn. To the 4th Cross Interrogatory I look at the papers now shown to me marked respectively John R Shriver No 27 James I Hall No 36 John D Bruce Exhibit I I B" Mr Gruber No 18 and the Cin Notes filed in the account marked Taylor and Co No 32 and I state that the signatures to each and all of them is in the proper hand writing of said George Lynn deceased Said Jonathan H Magruder being produced on the part of George A Pearce Crosses and examined to interrogatories on his part filed and hereunto returned deposes and says thereto

To 1st Interrogatory I am acquainted with the hand writing of said George Lynn the papers now shown to me, marked respectively No 1 and No 2 and signed with the genuine signatures of said George Lynn deceased and Jonathan H Magruder being examined to Interrogatories propounded to him on the part of R Read and Brother by George A Pearce their solicitor which are hereunto returned answers as follows.

To 1st Interrogatory I am acquainted with the handwriting of George Lynn deceased the papers now shown to me marked No 1 and No 2 purporting to be promissory Notes made by George Lynn to said R Read and Brother and signed with the genuine signature of said George Lynn

Commission adjourned to meet again this evening at the hour of 7 o clock P M at the office of said Commissioner, in said City of Cumberland the following and additional testimony was taken in this cause,

Cyrus Athey; a competent Witness produced and sworn on the part of George F Gephart Complainant being examined to said Interrogatories on the part of said George F Gephart signed by said C B Houston Solicitor deposes and says.

To 1st Interrogatory I know George F Gephart John A Stone and his wife and John I Edwards and George A Pearce and James M Schley.

To 2d Interrogatory I was told he is dead He died in the City of Cumberland in this County.

3. 4. 5. 6. 7. 8th 9th and 10th Interrogatories named as to the witness

To 11th Interrogatory I have been in the employment of George F Gephart hauling Coal, during the past eight years In 1858 1859 and 1860 Mr Gephart furnished Mr Lynns Cement Mill and Barrel Factory with Coal and no one else furnished any to the Mill and factory but Mr Gephart during that time some days Mr Clark turned hand to check pieces from 25 bushels to 225 bushels of Coal Sometimes fine Coal was hauled and some times mixed Coal this includes both the hauling of Mr Clark and myself.

To 12th Interrogatory My answer to this Interrogatory will be found in my answer to the 11th Interrogatory already answered.

To 13th Interrogatory I give my answer to the 11th Interrogatory for answer to this

To 14th Interrogatory My answer to this will be found in my answer to said 11th Interrogatory 15th Interrogatory named as to this Witness.