Widow and children the name of said widow is Virginia Lynn the names of the children the name of said widow is Virginia Lynn the names of the children are Mary intermarried with said John Oldham Virginia Nancy M and Chesley Lynn said Virginia daughter of said George Lynn is under twenty years of age Nancy M is under thirteen years of age and Chesley is under twelve years of age and Mary wife of said Oldham is over twenty one years of age.

To 4th Interrogatory I know Mary Lynn widow of Hand Lynn deceased and James Chesley Lynn son of said Hand Lynn they are both dead and said Mary Lynn died March 22d 1853 and James Chesley Lynn 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 the respective signatures of George Lynn and John G Lynn the body of said instrument is in the handwriting of James M Schley the signature thereto as witness is that of James M Schley.

To 6th Interrogatory I also 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 the wharfage dues provided for in said instrument as treasurer and distribute the same to the parties entitled thereunder said instrument, I have been acting for as such since August 1855 and as general treasurer for all receipts coming to same parties including Rose Hill Estate as well as the wharf property

To 7th Interrogatory I have been appointed by the same parties as treasurer to receive the revenues 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 time.

To 8th Interrogatory There was a property known as the Cement property on the 7th day of October 1852 in which the said George Lynn is was interested said property is located on Wills Creek immediately above the Tannery of James W Jones adjacent to the City of Cumberland It consists of said Cement Mill quarries and Kilns the quarries and Kilns 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 9th Interrogatory In my judgment one fifth of any agreed rent would be a fair and equitable apportionment of the Cement Mill and four fifths for the Kiln and quarries.

10th Interrogatory On the 7th 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 and marked Exhibit No 3 and is therein described as follows all that piece or parcel of land lying between Hat Street and Glass Street continued towards the Potomac River and the Potomac River in the City of Cumberland and upon the piece of land the wharf provided in said Exhibit is erected

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

There being no other witnesses present to be examined said Commissioner adjourned to sit again at the office of said Pearre on Monday the 23rd inst at 10 O'Clock AM pursuant to adjournment said Commissioner met at the office of said George A Pearre on the 23 inst at the hour of ten

O'Clock AM Clark a witness for the Plaintiff appeared but claimed that it would be very inconvenient for him to remain long enough to hear his testimony taken. Whereupon at the instance of the Plaintiffs Solicitor said Commissioner adjourned till again at the same place on Thursday the 25th instant at 10 O'Clock none of the defendants or their Solicitors being present.

In pursuance of the adjournment on the 25th instant the undersigned Commissioner met at the Law office of George A Pearre Esq in the City of Cumberland on the 25th day of March in the year 1863 when and in the presence of said George A Pearre Solicitor for Plaintiff the following depositions were taken to wit SAMUEL M JENNINGS Esq and George A Thrasher Solicitor not being present.

Cornelius Slack Esq a witness of lawful age produced on the part of Plaintiff being duly sworn and examined to interrogatories filed with said Commissioner on the part of the Complainant, and hereunto returned deposes and says. To 1st Interrogatory I am acquainted with all the parties to this suit and have known them for several years.

To 2d Interrogatory I look at the paper now shown to me marked Exhibit No 3 and say I am acquainted with the land therein described as lying between Hat Street and Glass Street extended towards the Potomac river and the Potomac river The improvements thereon consist of a railroad track for or more sidings and switches and an elevated trestle work to facilitate the transfer of Coal into Canal Boats, also a wharf These improvements were made by the Mount Savage Iron Company under the paper marked Exhibit No 3 There is also another improvement upon said piece of land on that portion of it being next to Hat, consisting of an excavation or slip to be further improved when the exigencies of the Coal trade render it necessary This improvement was also made in the same as the others. 3d Interrogatory The wharf is on the margin of the Potomac River The approach tracks sidings and switches are in part constructed on said piece of land and a double railroad track is constructed over and above the trestle work which upon said wharf which trestle work holding of said double track rests immediately upon the wharf itself so that the canal cars full upon said double track and emptied directly into the Canal Boats standing at said wharf by means of shutes in said trestle work said double track is exclusively upon the aforesaid piece of land and covers the same ground upon which said wharf is located Thereunto filed a diagram which will explain the location of said piece of land and the improvements thereon. 4th Interrogatory The first expenditure upon said wharf was made in January 1850 for materials to build the water front The construction of the wharf was commenced soon after and completed and in working condition in October 1850 5th Interrogatory The Mount Savage Iron Company commenced to receive wharfage dues from said wharf in October 1850 since and its assignees have continued to receive such wharfage dues up to the present time. 6th Interrogatory said wharfage dues have been paid to Jonathan W Magruder who has authority to receive the same by the parties to said paper marked Exhibit No 3.

7th Interrogatory I look at the paper marked Exhibit No 2 now shown to me and say I am acquainted with the handwriting of John G Lynn and