nant or Defendants, and that you examine them upon their corporal oaths, to be by you administered on the Holy Evangely of Almighty God, touching their knowledge or remembrance of any thing that may relate to the cause aforesaid; and having reduced the depositions of the witnesses so taking by you into writing, you send the same with this Commission, closed under your hand and seal to the Judge of the said Court, with all convenient speed. Witness, the Honorable William George Krebs Judge of our said Court, the 11th day of May 1863 Issued the 10th day of July 1863. R. J. Gettings Esqr. Complainants Solicitor Wm. Price & J. L. Thomas for Defendants Solicitor

J. Thomas Adams Clerk.

Commissioner's oath. You shall, according to the best of your skill and knowledge, truly, faithfully, and without partiality to any or either of these parties, take the examination and depositions of all and every witness and witnesses produced and examined, by virtue of the Commission hereunto annexed, upon the interrogatories now or which may hereafter, before the said Commission is closed, be produced to and left with you, by either of the parties. So Help You God. Sworn to in Open Court, Test. J. Thos. Adams, Clerk. Ishmael Day vs Robert McAlee et al3 In the Circuit Court for Baltimore City. By virtue of the annexed Commission issued out of the Circuit Court for Baltimore City in the cause above entitled to me. G. D. Corney the Commissioner therein named directed, I hereby certify that having first taken the oath to the said Commission annexed, I met at my office No. 2. Lexington Street in the City of Baltimore State of Maryland; and having giving notice to the Solicitors of the respective parties of the openning of the the said Commission, they appeared before me, and by agreement assigned Tuesday the 22nd day of March in the year of our Lord eighteen hundred and sixty four at the hour of 4. O'clock in the afternoon and my office aforesaid, as time and place for the execution of the said Commission At which mentioned time and place the Commission met, and I then and there proceeded in the presence of the Solicitors of the respective parties to take the following depositions, that is to say; Tuesday 22nd March 1864 Simon I Martin net a witness of lawful age produced on the part and behalf of the Complainant makes affirmation in due form of Law, deposes and Says; The Complainant first offers in Evidence and files under the Commission, the paper writing marked Complainant Exhibit I. D. No. 1, and I. D. No. 2. Also Complainant Exhibit C. S. Being thereon Complainant Exhibit I. D. No. 2. and Complainants

Exhibit C. S. he is asked in either of the lots of ground described in Complainants Exhibit C. S. Comprised in the property described and mentioned to be conveyed in Complainants Exhibit I. D. No. 2. and if yea, to state what portions of the property is so embraced in both deeds? replies, the first described lot in Complainants Exhibit C. S. is the middle portion of the second described lot mentioned in Complainants Exhibit I. D. No. 2. and which is designated as No. 76. on the Plat of G. H. Boyson. The said first described parcel in Exhibit C. S. Contains the improvements No 34, mentioned in said Exhibit I. D. No. 2.

Question. What is your business? Answer. I am a Surveyor and Civil Engineer. Question. Are you or not now and have you or not been engaged with the City Surveyor in making out Plats and Descriptions of property sold or advertised for sale by the City Collector for taxes? Answer. I have had the principal charge of the Plating of most of the lots that have been advertised to be sold for taxes for the last six years. Question. State whether or not you made the Plat and descriptions of the property described and mentioned to be conveyed in and by complainants Exhibit I. D. No. 2.? Answer. I did not make the plat but made the survey and furnished the data for the making of the plat and description. Question. Are you or not conversant with the assessment books, Ledgers, and other books, papers and memoranda of the City of Baltimore, in the Collectors and other offices connected with the Tax Department of Baltimore City? Answer. I am perfectly conversant with them and have handled them very frequently during the past six or eight years. My business required that I should be thoroughly acquainted with them, and am so from experience. The Complainant here offers in evidence, and files under the Commission the Exhibits marked I. S. No. 1. & I. S. No 2. Question. Do you Know George W. Sumwalt, If yea, what was his occupation in 1859? and look at the Exhibit I. S. No. 1. now shewn you, and state in whose hand writing the receipt thereto is? Answer. I Know George W. Sumwalt and for the last eight years has been one of the assistants in the Tax Department of the City of Baltimore. The signature to the said Exhibit I. S. No. 1. is said Sumwalts. Question. Do you know W. I. Beall. If yea, what was his occupation in 1859. Answer. I know W. I. Beall He was also an assistant in City of Baltimore Tax Department in 1859. Question. Have you examined the assessment book upon which the taxes levied in the year 1857 and 1858 were assessed, and the tax Ledgers of those two years with reference to the taxes assessed upon the parcel of ground firstly described in Exhibit C. S. If