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and which remanded commission, with the proceedings taken thereunder, was returned to the Court here on the eighth day of March, in the year eighteen hundred and sixty nine, in form following, to wit:

David Barnum and others
vs
David C. Gordon and others

In the Circuit Court of Baltimore City.

At the further execution of the annexed commission, issued out of the Circuit Court of Baltimore City, and to us remanded for further testimony, we, Frederick Pinkney and John B. Tidy Junior, the commissioners in said commission named, being also the Standing Commissioners of said Court duly appointed, qualified and sworn, met on the fifteenth day of February in the year of our Lord, eighteen hundred and sixty nine, at the office of William Schley, Esquire, in the city of Baltimore and State of Maryland and assigned the eighteenth day of February in the same year, at eleven in the forenoon and the same place, as time and place for the examination of witnesses under said commission; at which last mentioned time and place the commission met pursuant to notice, and we proceeded, in the presence of the solicitors of the respective parties, to take the following depositions, that is to say;

Dudley A. Randall, a witness of lawful age, produced on behalf of the Defendants, being by us first duly sworn on the Holy Evangely of Almighty God, being examined on the following interrogatories to him propounded in that behalf, make oath,

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deposeth and saith as follows, that is to say;

First Interrogatory, State your age, residence and occupation

1. Answer, I was sixty two years old last March. I reside in the City of Baltimore, and for upwards of thirty years have been engaged principally in the mineral water business.

Second Interrogatory. Do you know the property located in the City of Baltimore, on Calvert and Fayette streets and Bank lane, known as the City Hotel, and generally called Barnum's Hotel, and if so, how long is it since you first knew said property?

2 Answer, I do know it. I never became intimately acquainted with the property until 1837 or 1838, but as a resident of this City, I knew it for some years previous.

Third Interrogatory. Had you any opportunity of becoming acquainted with said property so far as concerned the basement thereof and the rooms and apartments in said basement, as the same existed in the life time, and at the death of the former proprietor, David Barnum? If so, be kind enough to state to the Commissioner your knowledge in relation to said rooms and apartments, for what purposes they were used, by whom occupied, and if known to you, by what numbers they were respectively designated?

3 Answer. I became a tenant of David Barnum's in October, 1838, and from that time to his death we were on very intimate terms, he frequently seeking my society inviting me through the basement and cellars, and often speaking of the past in relation to the building and the erection of the hotel and so forth, and among other things, on more than one occasion he