April Term. 1889.

Adolph Simon, et al., vs. Peter Sauerwein, et al.	In the Circuit Court of Baltimore City. (Docket 13. folio 341.)

At the execution of the annexed commission, issued out of the Circuit Court of Baltimore city, and to me directed, empowering me to examine witnesses in the above entitled case, I, John B. Tidy, Jr. the Commissioner in said commission named, being also a Standing Commissioner of the said Court, duly appointed, qualified and sworn, met on the first day of June, in the year of our Lord eighteen hundred and seventy-four, at the office of William Frick, and having appointed Isidore Soiecki, clerk to attend the execution of this commission, and duly administered to him the Clerk's oath to said commission annexed, assigned the fifth day of June, in the same year, at two in the afternoon, 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 I proceeded, in the presence of the solicitors of the respective parties to take the following depositions, that is to say:

Henry Scheib, a witness of lawful age, produced on behalf of the complainants, being by me first duly sworn on the Holy Evangely of Almighty God, being examined on the following interrogatories to him propounded in that behalf, makes oath, deposeth and saith, as follows, that is to say:

First interrogatory. State your residence and occupation?

1 answer. I reside at No. 37 Holliday street; I am the minister of the Zion Church of the city of Baltimore, and I have been such for thirty-nine years, having been appoint-

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ed in September, 1835.

Second interrogatory. Please look at the paper now shown you, marked, "Complainants' Exhibit No. 1", and which is herewith filed with the Commissioner as part of the complainants' proof, and state the location of the property and the uses to which it has been put, as long as you have known it?

2 answer. It is located on Caroline street, near Parkin street, and as long as I have known it, it has been used as a burial ground attached to the Zion Church of the city of Baltimore; I have been there a hundred times attending to funerals.

3rd int. I observe by the terms of the deed filed that the property is conveyed to certain parties as Trustees of the High German Lutheran Church of the city of Baltimore, for the use and benefit of that church; will you please state whether or not that church was ever incorporated, and if so, by what corporate name?

3 ans. It was incorporated, and incorporated as the Zion Church of the city of Baltimore, by articles of incorporation dated September 30th. 1830.

(Complainants' Exhibit Commission No 6. here filed.)

4th int. Was the Zion Church of the city of Baltimore, in fact the same church that is designated by the name "High German Lutheran Church of the City of Baltimore", in the deed filed?

4 ans. It is the same church.

5th int. Has the said church by the name of the Zion Church of the city of Baltimore, been the owner and possessor of the said burying ground since September 30, 1830, and does it still continue to hold the same?