

City - proceed to take the following depositions to wit:

Richard D. Buckingham - a witness of lawful age, produced on the part of the complainant, being duly sworn, and examined, to Interrogatories filed with the Commissioners, by the Complainants Solicitor, and herewith returned, deposes & says. To 1st Inty. That he was acquainted with Joshua Barnes, late of Frederick County, and that said Barnes dies on the third day of October, in the year 1854.

To the 2^d Interrogatory - That said Joshua Barnes dies Intestate. To 3^d Interrogatory That said Joshua Barnes left the following named Children - Dennis Barnes. Gustavus Barnes. Saml M. Barnes. Naah M. Barnes. Mary C. Barnes. Martha E. Barnes. James H. Barnes. William P. Barnes. Isabella R. Barnes. all infants under 21 years of age. To 4th Interrogatory - That the said Joshua Barnes left Real Estate, consisting of a Farm of upwards of one hundred acres of Land, situated in Liberty District of Frederick County, in the State of Maryland.

To the 5th Inty. That from Witness' knowledge of the affairs of Joshua Barnes witness believes - that he did not leave personal property sufficient to pay his debts.

To 6th Interrogatory - That he does not know any thing further of advantage to the parties. There being no other witnesses - to be examined, and no further time for the production of Witnesses being desired, the Commissioners closed the said Commission, and herewith returns the same, under his hand & seal this 14th day of December, in the year, 1854.

Geo. K. Shellman (Att.)

"Endorsed" The execution of the within Commission - will appear by the papers enclosed.

Geo. K. Shellman, (Sd.)

The following plat was filed Decr. 14th 1854.

Part of a tract of land called "The Resurvey on Smith's Lot" originally on the 30th day of August 1810. Conveyed by Gabriel Markel, to John Kusbaum, for 46 $\frac{3}{4}$ acres & 21 square perches of Land - part of a Tract "Called" "Father's Gift" originally on the 22^d day of April 1799. Conveyed by Adam Markel to John Kusbaum for 100 acres. - and part of a tract, called "The Resurvey on Cold Friday" originally on the first day of October 1804 Conveyed by Adam Markel to John Kusbaum, for five acres of land, more or less. Subject to a water right forever therein mentioned - the whole conveyed, by - Amos Norris Trustee under a Decree of Frederick Court, sitting as a Court of Equity to Joshua Barnes by deed, bearing date the 20th day of October, 1851 - lying in Frederick County Maryland.

State of Maryland Frederick County to wit: I do hereby certify - that at the request - of Peter Engel - trustee of Joshua Barnes dec'd I have surveyed the aforesaid parcels of lands, and reduced the whole into one entire survey, contained within the following metes and bounds viz. Beginning for the out lines, at a stone heretofore planted, at the Beginning of the deed from Adam Markel to John Kusbaum for 100 acres part of "Father's Gift" and running thence with & bounding on the first line thereof, allowing 2' for retrograde variation S. 17 $^{\circ}$ W. 89 ps. to a stone now planted at the end of 41 ps on the fourth line of 46 $\frac{3}{4}$ acres, and 21 square perches of Land, part of the Resurvey on Smith's Lot" Conveyed by Gabriel Markel to John Kusbaum, then reversing said line, & bounding thereon, allowing 1 $\frac{3}{4}$ ' for retrograde variation to correspond with stones formerly planted, N 65 $\frac{1}{4}$ ' W 41 ps. to a stone, still reversing the lines of said deed, and bounding thereon allowing as aforesaid N. 69 $\frac{1}{4}$ ' West 22 ps. to a stone S. 66 $\frac{3}{4}$ ' W 34 ps. to a stone S 88 $\frac{3}{4}$ ' W. 14 ps. to a stone, at the Beginning of said deed, then reversing the given line thereof, and bounding thereon S 11 $\frac{3}{4}$ ' W. 16 ps. to the middle of the public Road, leading from Liberty Town, to Battlement, still reversing the lines of said deed, allowing as before, S 60' E 104 $\frac{1}{4}$ ps. S 75 $^{\circ}$ E. 44 ps. to