

not carry on the business of Milling & Distilling in the said property. State further who composed the said firm, and whether the said Real Estate, was not purchased by the said firm, and whether it was not paid for, out of the partnership funds

6. Did you or not know, who is the surviving partner of the said firm

If yes state what is his name

7th Do you, or not know - whether the partnership, was not ended at the time of his death of the said David Kemp, and whether the personal property of the partnership is sufficient for the payment of the said partnership debts, and whether or not it will not require the Real estate of the firm to be sold for the purpose of paying the debts thereof & the winding up of the business of the firm &c

8th Do you or not know when the house of David Kemp resided. If yes state where they reside.

9th State any other matter or thing, in your knowledge, which may be beneficial to the Complainant in this cause

R. H. Marshall del. for Am

At the execution of the annexed Commission issued out of the Circuit Court for Frederick County, sitting as a Court of Equity, to the undersigned directors, and empowering them to examine evidence in the Cause pending in said Court, between John D. A. Kemp, Complainant, & David Kemp, and others Defendants. We George K. Shellman & Peop Johnson, having on the 22^d day of May, A.D. 1856, taken the oath annexed to said Commission, did on the same day at the office of George K. Shellman in the presence of Complainant's Solicitor - proceed, then & there to take the following depositions, to wit -

John W. Charlton - @ witness of lawful age, produced on the part of the Complainant being duly sworn, and examined to interrogatories filed with the Commission by the Complainant's Solicitor & herewith return. deposes & says. To the First Interrogatory - That he knows all the parties to this suit (N. 2668 Equity) had known them for years.

To the Second Interrogatory - That he knew David Kemp for thirty years He died about the 25th February 1856.

To the 3^d Interrogatory - That David Kemp, had ten children - named as follows John D. A. Kemp William D. C. Kemp Daniel D. Kemp, Margaret A. Kemp who intermarried with Isaac Walter, Caroline Kemp, who intermarried with Richard P. Lamm, Mary E. Kemp, who intermarried with George P. Remsburg, Louisa Kemp, Susan Kemp, intermarried with John W. Charlton, Elizabeth A. Kemp intermarried with John Walker and David C. Kemp David C. Kemp died before his father & left no issue. Susan Charlton also died before her father & left issue the following children David Charlton Margaret Charlton, John W. Charlton Caroline Charlton Mary Charlton David Charlton, Susan Charlton, and Rachel Charlton, the last four being Infants, under the age of 21 years, the balance adults.

To the fourth Interrogatory That David Kemp did carry on the business of Milling & Distilling and that at the time of his decease, John D. A. Kemp - was his partner in said business.

To the Fifth Interrogatory. After examining exhibits A. No. 1. B. No. 2