on the part of the Complainants, being duly Sworn and Examined to interrogatories filed with the Commissioner by Complainant and herewith returned deposes and says—
To the first Interrogatory, That he is acquainted with all the parties to this Suit and has known them for some years,
To the Second Interrogatory, That he was acquainted with Lydia Anglebergen—that She is dead that She died during last Summer—that She died intestate, leaving the following children namely, George, Thomas and Howard Anglebergen—that the said Children are all infants under 21 years of age and all reside in Frederick County Md.?—
All other interrogatories waived as to this deponent.— There being no other witnesses present to be examined and the Complainant desiring further time for the production of his Evidences the Commissioner adjourned said Commission to the 9th day of May 1863.—at which time and at my Office in Frederick City, Maryland, I proceeded to take the following depositions to wit
John Zimmerman of A. a witness of lawful age, produced on the part of the Complainants being duly Sworn and Examined to interrogatories filed with the Commissioner by the Complainant and herewith returned, deposes and Says.
To the first Interrogatory, That he is acquainted with all the parties to this Suit and has known them for some years.—
To the Second Interrogatory, That he was acquainted with Lydia Anglebergen—that She is dead that She died last Summer—that She died intestate, leaving the following Children, namely Thomas, Howard and George Anglebergen, all infants under the age of twenty one years, and that said Children all reside in Frederick County Md.?—
To the 3d Interrogatory, That he knows nothing in reference to the matter of this interrogatory,
To the 4th Interrogatory, That he looks at the paper now shown him, marked "Exhibit No. 1."— that deponent signed the note as witness—that said note was executed by the parties thereto in deponents presence—that he wrote Lydia Anglebergen's name and She made her mark in deponents presence—that the other signature is in the handwriting of Charles H. Burkhart—that the note was given for balance of purchase money due on the property described in Exhibit No. 2, in this case—Lydia Anglebergen is the principal and Charles H. Burkhart the Surety in the said note,
To the 5th Interrogatory, waived as to this deponent.— There being no other witnesses present to be Examined and the Complainant desiring further time for the production of his Evidences the Commissioner adjourned the said Commission to the 20th day of May 1863, at which time and at my office in Frederick City Maryland, I proceeded to take the following depositions, to wit:— Alphenia McPherson, a witness of lawful age, produced on the part of the Complainant being duly Sworn and examined to interrogatories filed with the Commissioner by the Complainant and herewith returned, deposes and Says,
To the first Interrogatory, That she is acquainted with all the parties to this Suit and has known them for some years.—
To the 5th Interrogatory, That she looks at the paper shown her marked "Exhibit No. 1" that She witnesses the assignment thereon and that Mary Atkins Executed said assignment by putting her mark thereto in deponents presence, that the Signature as witness to said assignment is in the proper handwriting of this deponent, all other interrogatories waived as to this deponent.—
At the same time the Complainant filed with the Commissioner as Evidence Exhibits Nos 1, 2, 3 & 4,