No 9" the whole of said paper is in my handwriting figures and all

This Witness being Examined in reply Deposes and Says

That the paper marked A. B. No 10 dated the 13th of June 1857 never was delivered to Daniel Spriggs Cashier nor to any officer of the Bank to deponents Knowledge. The papers marked "A. B. No 10" dated December 5th 1856 June 13th 1857 and August 31st 1857 and A. B. No 9 were all in my possession all said papers belonged to me. The paper marked A. B. No 10 dated 13th of June 1857. I dont think was ever delivered out of my possession to any body. I do not know how said papers got out of my possession into the possession of Jacob M. Kunkel Prior to leaving for Texas in December 1858 I left those papers in my desk in the Case of my wife. I think at the dwelling house at Catoctin where I resided my wife left them in the winter of 1858 & 9 or in the Spring 1859 after my wife left there John B. Kunkel the present partner of Jacob M. Kunkel in Conducting said Iron Works took possession of said dwelling house.

The Witness upon being Cross Examined by the by the Solicitors for Jacob M. Kunkel deposes and Says.

At the time the paper marked A. B. No 10" of the 13th of June 1857 was written the note of Jacob M. Kunkel for $5000. was I think in the Merchants Bank of Baltimore. My object in writing said paper was to leave a memorandum to show in case of my death that the $5000 note belonged to my mother. I dont know of my own knowledge what became of the desk in which the papers spoken of Dated Decr 5th 1856 June 13th 1857 August 31st 1857 and A. B. No 9 was left I was informed by some person but by whom that it was sold. My wife left the house at Catoctin during the winter of 1858 & 9 or in the Spring of 1859. John B. Kunkel took possession of said house after my wife left as I was informed. I have no knowledge that my wife left the desk in the house when she left there. When I went to Texas I did not leave all the papers in connection with the business of Fitzhugh & Kunkel in my house. It is my impression that the papers connected with the business of the firm were left at the office at Catoctin except those delivered to the Trustee William L. Rose Esq and John B. Kunkel. When I returned from Texas I inquired for my papers of Mr Fitzhugh and I thought I had them all. I dont remember that my wife told me what had become of the desk I dont remember that Mr Rose called upon me for the business papers of the firm but I thought I had given them all to him or that he was in possession of them.

Henry Schley a Witness of lawful age produced on the part of Sophia Fitzhugh & Sarah Margaret Fitzhugh being duly sworn deposes and Says.

I have Examined the notes