

Cross Interrogatories } Thomas Hammond } No 3540 ~
 vs } In the Circuit Court for Frederick County in Equity. ~
 J. J. Houck and wife }

Cross Interrogatories to be propounded to Complainant examined as a witness on the part of the Complainant. ~

1st Sub: ~ You state in answer to Complainant's 2nd Interrogatory that the purchase was to be divided into five equal payments. State whether you did not agree to give the Defendants five years from the date of the Mortgage in which to pay for the property, and whether you did or not tell the Defendants you would not proceed to foreclose the Mortgage or resort to any legal process for the collection of the Mortgage debt before five years from date?

2nd Sub: ~ State whether at the time of the execution of said Mortgage, you did or not, have to show to the Defendants a written paper, on which you had made the Calculation of interest the Defendants were to pay you, and if you had such paper where is it? and if in your possession, produce it.

3rd Sub: Did you not state to the Defendants, before the execution of said Mortgage, that if the Defendants paid you \$1,000 on the Mortgage debt you would then release the said Mortgage so far as it applied to the Defendants Home farm. ~

Milton G. Urner
 Solicitor for Defendants

At the execution of the annexed Commission issued out of the Circuit Court for Frederick County sitting as a Court of Equity and to us directed, and empowering us to examine witnesses in the cause depending in the said Court, between Thomas Hammond as Complainant and Jacob J. Houck and Elizabeth Houck his wife, as Defendants. The Francis Brungle and J. R. Wood Commissioners therein named, knowing met at our Office on the Twenty first day of February, Juratah to previous notice thereof given to the said parties. did proceed then and there to take the following Evidence, in the presence of the Complainant and the Solicitor for the Defendants, Complainant filed with the Commissioners as Evidence Exhibits Nos 1, 2, 3, 4, 5 6. The Commissioners then proceeded to take the following depositions, to wit ~

Thomas Hammond, 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 Complainant, and herewith returned, deposes and says. ~

To the 1st Sub: ~ That he is acquainted with the parties. He is Complainant and has known the Defendants for some years. ~

To the 2nd Sub: ~ That he Defendant was present at the execution of the Mortgage, a Copy of which is filed in this Cause, marked Exhibit No. 1 Deposition was present, the Magistrate Dennis Egleston, Maria Houck and Jacob J. Houck and family were present at the execution of said Mortgage. That the Defendant in the presence of those above named, Explained to the Defendants the nature and terms of the Mortgage, and they understood it, and it was satisfactory to them and they assented to it. That the interest was to be paid and Calculated as follows, The purchase money was to be paid in five equal payments, The first Note was drawn for one fifth of the purchase money together with the interest on the entire purchase money for one year. The second note was drawn for one fifth of the purchase money for one year after deducting the one fifth, and so on to the last, this mode was explained to them and compared with the more ordinary mode of collecting interest, and assented to them, The Defendants Cross Interrogatories, propounded to the witness by