

7th State the consideration of the assignment by you of the said mortgage to Cornelia & Nancy now Cornelia & Smith the Complainant.

Wm J Ross
 Jas McSherry
 Solicitors for Complainants.

Interrogatories to be proposed to Dr Charles Smith a witness to be produced on the part of the Complainants.

1st Are you or not acquainted with the parties to this suit or either one of them. If yes, how long have you known them and each of them.

2nd Look at the paper marked Exhibit A. 2 now shown you, state whether or not any part or portions of the principal now secured or intended to be secured thereby has been paid by the Defendants or by anyone for them or either of them.

3rd Has or has not any part of the interest been paid on the said Mortgage or paper marked Exhibit A. 2 just shown you. If yes what is the date of the cash payment of interest and from what date is the interest on said Mortgage now due

4th Has or has not the Complainant John A Smith died since the filing of the Bill in this cause. If yes state when and whether the Complainant Cornelia is the widow of the said John A Smith.

Wm. J Ross
 Jas McSherry
 Solers. for Complainants

Declarations.

At the execution of the annexed Commission issued out of the Circuit Court for Frederick County sitting in Equity, and to Francis Bungle and J. C. R. Wood directed and empowering them to examine evidence in the cause depending in the said Court between Cornelia & Smith as Complainants and Edward S. Toney and others as Defendants, I Francis Bungle one of the Commissioners therein named having met on the 7th day of July 1869 at my Office in Frederick City Md and there being no witnesses present to be examined this Commission was adjourned at the request of the Solicitors for the Complainant to the 17th day of July 1869. I then and there did proceed to take the following depositions in the presence of James McSherry Solicitor for Complainant and Michael P. Gallagher Solicitor for Joseph Culbertson and Sarah Culbertson his wife two of the Defendants in this cause previous notice thereof being given to the said Solicitors, the Solicitors for Complainants having first filed Exhibits A. 1 & 2 as evidence in this cause

Dr Charles Smith a witness of lawful age produced on the part of the Complainants being duly sworn and examined to Special Interrogatories filed with the Commission by the Complainants Solicitors and herewith returned deposes and says that is to say,

I know the Complainant and Edward S. Toney one of the Defendants I have known them for four or five years. I know Joseph Culbertson slightly, do not know his wife.

None of the principals has been paid by them or either of them, or by anybody.