

3<sup>rd</sup> The last payment was made November 16<sup>th</sup> 1867 Two thousand Seven hundred and Seventy five dollars and Twenty three cents of interest have been paid since the assignment of the Mortgage. Interest is due on the whole of the Mortgage from the 1<sup>st</sup> day of July 1868 two thousand five dollars and Twenty three cents.

4<sup>th</sup> The Complainant John A Smith died April 9<sup>th</sup> 1869. The Complainant Cornelia D. is his widow.

This Commission was then adjourned at the request of the Solicitors for the Complainant until Friday the 6<sup>th</sup> day of August 1869 then J Francis Bruple Commissioner proceeded to take the following depositions in the presence of James McSherry Solicitor for the Complainant and Gayson Eckelbarger Solicitor for Edward S Toney one of the Defendants due notice thereof having been given to Michael P Gallagher Solicitor for Joseph Culbertson and Sarah Culbertson his wife two of the Defendants in this cause.

Edward S Toney, a witness of lawful age produced on the part of the Complainant being duly sworn and examined to Special Interrogatories filed with the Commissioner by the Complainant's Solicitor and herewith returned deposes and says, that is to say.

- 1<sup>st</sup> I am acquainted with the parties. I have known them for many years.
- 2<sup>nd</sup> I saw one of the Defendants to this suit.
- 3<sup>rd</sup> I look at the paper now shown me marked Exhibit No. 2 The signature "Edward S Toney" to the assignment therein is my hand writing.
- 4<sup>th</sup> The paper Exhibit No. 2 now shown me was executed signed sealed and delivered by Joseph Culbertson and Sarah Culbertson his wife who are two of the Defendants to this suit and was by me assigned to Cornelia D. Smith the Complainant Such assignment was made by me at the time when the same is dated.
- 5<sup>th</sup> The Cornelia D. Toney mentioned in said assignment is the same person named as Complainant in this cause as Cornelia D. Smith.
- 6<sup>th</sup> The said Cornelia D. Smith was named at the time the Bill of Complaint was filed to John A Smith of Frederick County State of Maryland. The said John A Smith died April 9<sup>th</sup> 1869.
- 7<sup>th</sup> The consideration of the assignment of the said Mortgage is money due from me to Mrs John A Smith.

There being no other witnesses to be examined and neither party desiring further time for the production of his evidence the Commissioner closed the said Commission and herewith returns the same under his hand and seal this 30<sup>th</sup> day of August 1869

Francis Bruple Commissioner

Expenses of this Commission	
Commissioner's fee	\$12.00
Dr. Charles Smith Witness	.75
Edward S Toney "	3.05
Sheriff's fees	.80
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	\$16.60

Francis Bruple Commissioner

Petition of Cornelia D. Smith

Cornelia D. Smith vs Joseph Culbertson et al

No. 3421 Equity. In the Circuit Court for Frederick County, in Equity May Term 1869. The Petition of Cornelia D. Smith respectfully shows unto