

James H. Gatton, if you look at the paper now shown you marked A. B. & C. is or is not the signature James H. Gatton thereunto attached in the hand writing of the said James, state any circumstance within your knowledge, which may lead you to the opinion which you entertain on this subject; Look at the papers marked A. B. & C. now are shown you, did or did not James H. Gatton admit to you that the person styled "my friend" in these papers referred to himself. State fully your knowledge herein, state fully everything you know in regard to the subject matter of these papers, what Gatton said, and wrote and did in regard to the transacting of conveying his property to his wife, and what you said, wrote and did in regard thereto.

17th Are you not the Administrator of James H. Gatton's dec'd.

18th Is there or is there not property enough in your possession as Administrator to pay the debts of James H. Gatton.

Filed August 1. 1867.

Testimony At the execution of the annexed Commission issued out of the Circuit Court for Frederick County and to me directed and empowering me to examine evidence in the case depending in the said Court between Ephraim Albough as Complainant and James H. Gatton and Susannah E. Gatton his wife as Defendants, I William B. Nelson Commissioner therein named did on the 18th of July 1867, at my Office in Frederick City Md. having appointed C. P. S. Levy Clerk and administering to him the Oath annexed to the said Commission to be taken by him, proceeded to take the following testimony in the presence of Complainant's Solicitor:

The Complainant filed as evidence Exhibits Nos. 1, 2, 3 and 4 herewith returned and there being no witnesses present to be examined said Commission was adjourned to the 30th day of July 1867 I then and there proceeded to take the following depositions in the presence of Complainant's Solicitor to wit:

Ephraim Albough, a witness of lawful age produced upon the part of the Complainant being duly sworn and examined to interrogatories filed with the Commissioners by the Complainant's Solicitor and herewith returned deposes and says to the 1st Interrogatory, That he is acquainted with all the parties to this suit except Susannah E. Gatton, and has known them for three or more years.

To the 2nd. That he was acquainted with Benjamin F. Gatton formerly a resident of Frederick County Maryland that he is dead and that he died in Frederick County Maryland, three or four years ago.

To the 3rd. That he does not know whether or not Benj. F. Gatton was married at the time of his death.

4th Interrogatory, Answered by Complainant's Solicitor.

To the 5th, That he was acquainted with James H. Gatton formerly a resident of Frederick County, that he is dead, and that he died in Frederick County, at some time during the winter of 1866-67.

To the 6th. That James H. Gatton was married at the time of his death that he does not know the name of his widow, nor where she resided.