

If you, how long have you known them and each of them.

2nd Where do the Defendants reside, and how long have they there resided.

3rd Where did they previously reside, and for how long previously did they there reside.

4th. Look at paper now shown you, marked Exhibit No 2, whose signature is attached to the said notes, and in whose handwriting is said signature.

5th. Look at paper shown you marked Exhibit No 1, has any part of the Mortgage debt therein specified been paid, either as to principal or interest.

6th. Was or was not judgment obtained on any note recited in the Mortgage exhibited as Exhibit No. 1, if yes what was realized upon said judgment.

7th Did or did not the Complainant and his wife at any time execute and deliver a deed of any Real Estate to the Defendant Lyeurgus Miller, if yes, when, describe the Real Estate and state where said Deed is.

8th. What is the value of the Real Estate Mortgaged in the Deed of Mortgage exhibited as Exhibit No 1

9th. For what was the Notes and Mortgage before referred to given

C. F. Levy

Solicitor for Complainant

Filed March 2. 1876.

Testimony

At the execution of the aforesaid Commission issued out of the Circuit Court for Frederick County in Equity and to me deeded and empowering me to examine evidences in a cause therein depending between Jacob Beyerly as Complainant and Lyeurgus Miller & Lucinda C. Miller his wife as Defendants I William B. Nelson Commissioner therein named did on the 29th day of February A. D. 1876 at my Office in Frederick City Maryland then and there in the absence of John E. R. Hood Esq. Commissioner do proceed to take the following testimony to wit:

Jacob Beyerly, a witness of lawful age produced upon the part of the Complainant being duly sworn and examined to interrogatories filed with the Commissioner by the Complainant and herewith returned deposes and says to the

1st Int I am the Complainant and have been acquainted with all the parties for some years.

2nd Int They are now living in one of the Western States, and have lived there since the spring of the year 1874.

3rd Int. They lived in Frederick County Maryland for about four or five years.

4th Int I look at "Exhibit No 2" now here shown me, Lyeurgus Miller's signatures are attached thereto & I saw him sign the notes.

5th Int. I look at "Exhibit No. 1" now here shown me, no part of the principal or interest has been paid.

6th Int It was on the 1st note falling due, nothing at all was ever realized on said judgment

7th Int. Yes Sir, we did, of the same date and at the same time that the Mortgage was given, The said Real Estate is situated in Woodstock District Frederick County Md. on a private road leading from my farmhouse to the Hagerstown road "Exhibit B" filed as the Surveyors Certificate contains a correct description of said Real Estate, the Defendants