

And thereupon, warrants to wit; on the 28th day of November A. D. 1873, by writ of the said Solicitor for Complainants was issued out of said Court here a Commission to take testimony on the part of said Complainants directed to William P. Nelson and John E. R. Wood Esquires upon said Commission was returned to said Court with the testimony and proceedings thereon on the 31st day of December A. D. 1873, and which said testimony & proceedings under said Commission are as follows to wit;

Testimony on the Part of Complainants

At the Execution of the annexed Commission, issued out of the Circuit Court for Frederick County, and to us directed and empowering us to examine witnesses in the cause therein depending, between Ruth Gome and Samuel Gome as Complainants and Benjamin Todd and others, as Defendants, We William P. Nelson and John E. R. Wood Esquires, therein named, did upon due notice to the respective Parties, at the Office of William P. Nelson Esquire in Frederick City Md, on the thirtieth day of December Christian Hundred 8 and Seventy three, in the presence of the Solicitors for the Complainants and Defendants then and there proceed to take the following depositions to wit;

Ruth Gome, a witness of lawful age being duly sworn, and examined to interrogatories upon the part of the Complainants filed with the Commissioners by the Complainants and herewith returned deposes and says to the

1st Int. Are you or not the same Ruth Gome who was examined in Chief in this Cause?

Answer I am,

2^d Int. Have you or not any knowledge of the destruction of a Will a short time before his death, that had been some time previously executed by Benjamin Todd?

Ans. I have

3^d Int. Please state by whom, and in the presence of whom, and where said Will was destroyed, and also who the same was destroyed?

(Excepted to)

Ans. It was destroyed at Home at our Home in the presence of Mr. John K. Loyal, Rachel P. Todd and myself; it was destroyed by J. G. Quaal, it was burnt up,

(Excepted to by Defendants)

4th Int. Do you know or did Benjamin Todd ever tell you the reasons or reason why he wished said Will destroyed, if Yes please state what he said in reference thereto?

(Excepted to)

Ans. He did, He said the reason he destroyed it was, it was of no account now he had married a second time.

(Excepted to by Defendants)

5th Int. Were you not in the City of Baltimore on or about the first day of December 1866, and if Yes please state who if any, was then with you at that time?

Ans. I was, My Mother was with me at that time

6th Int. Were you sent to Baltimore at the time to which you have testified