

No. 4640 Equity

Exhibit No 3 - 3, now shown you, and state whether or not the signatures there to purporting to be the signatures of Thos M Holbroun & Elizabeth Holbroun are in the own proper hand writing of said Thos M Holbroun & Elizabeth Holbroun.

8th - State whether said Elizabeth Holbroun was indebted to you at the time of her death for any other amount than said mortgage debts, and if so, had the same been paid, and if not how much is still due and how such indebtedness evidenced?

9th. - How you know of any personal estate left by said Elizabeth Holbroun, out of which the balance due upon said note, can be realized?

Milton G Winer
Edw S Eschelberger
Sol for Compl.

At the execution of the annexed Commission, issued out of the Circuit Court, for Frederick County, sitting as a Court of Equity, and to me, directed, and empowering me to examine Evidences in the Case there depending, between John Simmons, as Complainant, and Thomas M Holbroun, and others, as Defendants, I, William D Shelton, one of the Commissioners therein named, did, on the 24th day of December, A D 1880, at my office, in Frederick City, Md, then there, in the presence of the Solicitor for the Complainant, proceed to take the following testimony, to wit:

The Complainant filed with the Commissioner as Evidence "Exhibits Nos. 1 2 3 4 5", which are herewith returned by the said Commissioner

John Simmons, 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 & herewith returned, deposes & says, to the

- 1st Int: - My name is John Simmons, aged 43 years & I reside in Frederick City Md
- 2d Int: - I knew them both. They were husband and wife Thomas M. Holbroun is still living, and Elizabeth Holbroun, his wife, is dead. She died in Frederick City, Maryland, several years ago.
- 3d Int: - She died she left the following children, namely: Charles M Holbroun, whose married name is Carruck both adults; Susan Holbroun, adult, and now the wife of John W Whalen, Thomas M Holbroun Jr, adult, Edward Holbroun, an infant under the age of twenty one years; Sheridan Holbroun, infant under the age of twenty one years. Mollie Holbroun, infant under the age of twenty one years and Lena Holbroun, infant under the age of twenty one years, all residing in Frederick County, Maryland.

- 4th Int - Yes Sir.
- 5th Int - No.
- 6th Int: - I look at "Exhibits Nos. 1 & 2", now here shown me. I am the Party agreed named in both. Upon the first Mortgage, of which "Exhibit No 1", is a copy, there is now due the sum of 800 \$, with interest from the 2^d October 1877, and on the second Mortgage, of which "Exhibit No 2", is a copy, there is due the sum of 700 \$, with interest from the 27th of October 1877.

7th Int. - I look at "Exhibit No 3. S" now here shown me I know Thomas M. Holbroun's hand writing well. The signature "Thos M Holbroun", as also the body of said Exhibit is in the proper hand writing of said Thomas M Holbroun I never saw Elizabeth Holbroun write, but she admitted the signatures "Elizabeth Holbroun", attached to the Mortgages of which "Exhibits Nos. 1 & 2", are copies, to be in her hand writing, and the signature "Elizabeth Holbroun" to the note "Exhibit No. 3. S" is in the same hand writing, as the signature to the Original Mortgages, of which "Exhibits Nos 1 & 2" are copies, are.

8th Int - She was indebted to me, as per "Exhibit 3. S", being a promissory note of herself and her husband, Thomas M. Holbroun, upon which sundry payments have been made, as appears by the endorsements on the said note, and there is still due and unpaid the sum of \$116.25, with interest from the 12th of February 1879.

9th Int - I do not

Edward A. Gittinger, a witness of lawful age, produced upon the part of the Complainant, being duly sworn and

Testimony

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