

No. 1111 Equity.

Ans. James A. Oundorff did; he always claimed to be the owner.

5th Sub. What effort, if any, did James A. Oundorff make to borrow money on the said real estate?

Ans. Well, he came to Frederick; he called on me to see Mr. Levy, to see if any money could be got in Frederick, to be secured by a confessed judgment or mortgage on this Real estate; he wanted twenty-five hundred dollars (2,500) or three thousand dollars (3,000) and, to the best of my knowledge, he wanted it to pay off the claim of George W. Rowe and son, and the John R. Stoner note, on which suits were brought; Mr. Levy and I, went down to the Frederick town Savings Institution to try to negotiate such a loan; the officers of the institution said they would lay the matter before their board; afterwards Mr. Levy informed me the money could be had, and soon afterwards James A. Oundorff executed the deed to his wife.

6th Sub. Who conducted all the farming operations on said real estate and made all contracts and purchases pertaining thereto, and sold the products thereof?

Ans. James A. Oundorff did.

7th Sub. In his own name, or as agent for any body else?

Ans. In his own name; his wife was not known in any such transactions.

Whereupon, the said commission was adjourned to the 17th day of December, A. D., 1881, at 11 O'clock, A. M., and subpoenas issued for witnesses to testify for the complainants; at which time, and at the place aforesaid, notice having been given to the defendants, the said commission was adjourned to the 23d day of December, A. D., 1881; at which time and at the place aforesaid, I then and there, in the presence of the solicitors for the complainants and defendants, proceeded to take the following testimony, to wit:

Francis H. Oundorff, a witness of lawful age, produced upon the part of the complainants, being duly sworn and examined to interrogatories filed with the Commissioner by the complainants and herewith returned, deposes and says:

To the 1st Sub. Are you, or not, acquainted with the parties to this suit, or any, or either of them; if yea, how long have you known them, and each of them.

Ans. I don't know the complainants, but am acquainted with the defendants.

2nd Sub. Were you, or not, acquainted with one John Oundorff; if yea, is he dead or alive; if dead, when and where did he die?

Ans. (Yea, sir, he was my father; he is dead; he died in Carroll County, Maryland, on the 18th of February, 1869.

3rd Sub. Was, or was not, James A. Oundorff, indebted to said John Oundorff at the time of his death, if yea, state the amount of indebtedness?

Ans. He was, in the sum of five thousand two hundred and fifty three dollars, (\$5,253.00.)