

No. 1111 Equity.

4th Sub. State how you know that James A. Oudorff was indebted to your father, in the sum of \$5,253.00?

Ans. Twelve hundred and fifty-three dollars, (\$1,253.00,) was given to James A. Oudorff and my sister at the time they went to house-keeping, in cash and personal property; One thousand dollars, (\$1,000) was then given to them when the Walter property was purchased, and three thousand dollars, (\$3,000) was given to them when the Wife property was bought; I was administrator of the estate, and know it, because I was attending to my father's business, at the time these sums were obtained.

5th Sub. What evidence of said indebtedness was taken, if any, and when were the same taken?

(Excepted to by defendant.)

Ans. The twelve hundred and fifty-three dollars, (\$1,253.00,) was an open account; when the Walter land was bought, that One thousand dollars, (\$1,000) was a note executed by James A. Oudorff, payable to John Oudorff; when the three thousand dollars, (\$3,000,) was obtained, James A. Oudorff gave his note to my father.

6th Sub. What has become of the said note for One thousand dollars (and the said note for \$3,000)?

Ans. When I first settled with the Orphan's Court, then I settled with James A. Oudorff and his wife; these notes were handed over to them in payment of their dividend.

7th Sub. In whose hands did you place the said notes?

Ans. Well, they were both there, I can't tell which I handed them to.

8th Sub. Was anything other than said notes handed over on said occasion?

Ans. No, Sir.

Whereupon, there being no other witnesses present to be examined [to be examined] the said commission was adjourned to the 17th day of January A. D. 1852, at which time and at the place aforesaid, and in the presence of the Solicitors for the complainants, I then and there proceeded to take the following testimony, to wit:—

To Cross-interrogatories filed with the Commissioner by the defendants, and here-with returned, the said Francis H. Oudorff, deposes and says:—

To the 1st C. Sub. (You stated in your examination in chief, that James A. Oudorff was indebted to your father, John Oudorff, at the time of his death, in the sum of \$5,253.00 will you explain what you meant by that statement?)

(Excepted to)

Ans. What I meant to say, was, that my father, advanced to my sister, Mary, that sum, during his life, as it appears from Charles on his books, of an open account twelve hundred and fifty three dollars, (1,253 \$.) and two notes, one for One thousand dollars (1,000 \$.) and one for three thousand dollars, (3,000 \$.) when I made my first settlement of my [my] father's estate, as administrator, I charged these several sums with