

N. D. 8264. Equity,

Adjourned to April 24th 1908.

J. Marshall Miller. A witness of lawful age produced on the part of the Plaintiff, being duly sworn and examined deposes and says as follows; -

1. St. Int. State your name, age, residence and occupation?

Ans. J. Marshall Miller, 50 years, Frederick, Md. I am the Secretary of the Fredericktown Savings Institution and have been for nearly twenty years.

2. Int. Did you have any business dealings with him in your official capacity as Secretary of the Fredericktown Savings Institution?

Ans. Yes Sir.

3. Int. Were you acquainted with Henry Eicholtz during his life time, and if yes, how long?

Ans. Yes Sir For at least 10 or 12 years.

4. Was Henry Eicholtz indebted to the Fredericktown Savings Institution at the time of his death? and if yes state the same?

Ans. Yes Sir, on a mortgage note of \$600- and on a joint and several notes on a note of John Wolf Margaret L. Wolf and Henry Eicholtz, a certified copy of which is filed in this cause as Exhibit F. J. H.

5. Int. Look at the original note, as filed in no 59. In Feb'y Term 1908. of which Exhibit S. J. H. is a copy, and state if the same is the note to which you refer when you say Henry Eicholtz is indebted to the Fredericktown Savings Institution as surety for John Wolf?

Ans. It is.

6. Int. Has any part of said note been paid to the Plaintiff and how much is due there?

Ans. No part has been paid and \$200- is due thereon with interest from Feb'y 6- 1905-.

7. Int. Did you have any conversation concerning said note with Henry Eicholtz during his lifetime or with his administratrix after his death?

Ans. I don't remember of having any conversation with Mr. Eicholtz. I think in the latter part of March 1906. Mrs. Eicholtz his widow and administratrix, came in to see me, she inquired of the amount of the Note of John Wolf. I told her, then she offered to pay half of it provided we would release the balance. I told her we would give her a receipt for the portion she would pay but would not release her from the balance that was about all at that time.

8. Int. Did she state any reason why she desired to pay