J K No. 338 folio 397. I wrote the deed and it was executed in my presence as a magistrate. Emanuel Stansbury applied to me and told me as well as I can recollect that his wifes Sister Mrs Joyce had died leaving infant children and described the children in a destitute condition and considered it his duty to take care of those children I think Mr Stansbury told me that the children were at his house that Mrs Stansburys father was desirous of giving her the house in which they then lived. I think he mentioned that he (Lamb) had long intended to give it and that Mr Stansbury thought that the house would not be an equivalent for raising the children, he asked my opinion as to what would be the proper plan for carrying out the old mans views and said something about his intention of giving it to her by will or that he Lamb wanted to make a will the Conversation between them was about drawing a will Mr Stansbury seem ignorant of the proper mode of carrying out the old mans intentions whether by will or otherwise - in the course of Conversation it was judged best and it was suggested by me that the views would be better carried out by a deed of trust - and that the trusteeship should be vested in Joseph or Caleb or one of the brothers of Emanuel, after this Conversation the deed was prepared by me and the day of the congressional election - in the body of the deed the Consideration was stated of a Certain sum of money (Eight hundred Dollars) I inserted that in view of the obligation of Mr Stansbury to support the Children of Mrs Joyce rather than making a regular deed of Gift as I was hurried and could not go on to make a regular formal deed in the time I had allotted to myself being on that day much engaged - the deed was drawn in this way because I thought that it would be necessary to have a Consideration stated in the deed either for natural affection or pecuniary Consideration and I preferred the last because it was more convenient - it was understood that there was no money to be paid and I did not receive from Mr Stansbury any instruction as to the mode of drawing the deed I went in Company with Mr Keplinger to Mr Stansburys house where Mr Lamb was then staying at the office or on my way to the house I formed the idea of testing the State of Mr Lambs mind not being satisfied that he should execute the deed before me without satisfying myself as to the State of his mind and was not Certain whether I should not leave there without the deeds being executed at all, this idea was suggested because Mr Stansbury had told me that Mr Lamb was sick I came to the Conclusion that I would form my opinion as to the State of Lambs mind by the manner he would receive Mr Keplinger whom I supposed Mr Lamb knew as he was an old Citizen of Baltimore, I entered the room first spoke to Mr Lamb and he received me as I supposed he would any other Stranger, When Mr Keplinger entered the room he (Lamb) appeared to recognize him instantly and to make an effort to approach him, as if to shake hands with him - I sat down close along side of him on the right hand side & opened the deed and read it to him aloud every word distinctly as well as I can remember and explained to him as well as I could the nature of the business and

although it had been represented that his tongue was paralysed it is my belief that he uttered indistinctly the words "thats my wish" at all events I was satisfied that his mind was in a Condition to admit of his executing a deed and that it was his wish to do so according to the nature of the transfer, The deed was then executed and I left, Mr Stansbury was not in the room when I entered it, Mrs Stansbury was in the room - the nurse was sitting in the room and several children were there sick, I further state that about the time this suit was instituted Dr Whittaker came into my office and spoke about this matter and he appeared prejudiced against Mr Stansbury, his language was unkind and disrespectful and exhibited a desire to destroy the effect of the deed - his feelings seemed to be strongly interested in the issue of the suit, judging from his manner and language

Cross Examined by Mr McCulloh

I entertained a different opinion from what I discovered Dr Whittaker held and did not wish to discourse upon the matter before the execution of the deed I did not know Mr Lamb personally but knew him by sight & reputation since the year 1831 Mr Stansbury called upon me about drawing the deed and Mr Stansbury paid me - in the Conversation I held with Mr Stansbury, I understood him to say that it was the old gentlemans purpose for a long time to give the house to Mrs Stansbury in Consideration of as I think, Mr Stansbury having to take care of Mrs Joyces children at any rate it was my impression that Mr Stansbury Considered it his duty to take care of those children and from my knowledge of Mr & Mrs Stansburys Character, I was satisfied it would be done if the property were given to her - instead of expressing this or any other reason of the gift, I inserted in my time I expressed a money Consideration, I am not certain when I entered the room where Mr Lamb was, that I advanced to shake hands with him, I might have done so, as it my custom to pay this deference to age Mr Keplinger advanced and it is my impression that he shook hands with him and Mr Lamb made an effort as if to rise and meet him, I am satisfied that I read the deed over to Mr Lamb and explained its purpose, I cannot recollect what I said to him particularly about the purport of the deed, but am satisfied that his mental faculties were in such a Condition as to take the acknowledgment of the deed - It is my opinion that I expressed to Mr Lamb the purpose as to Joyces Children, it is not on my mind that any one ever told me that Mr Lambs mind was affected - but had heard that Mr Lamb had been paralysed and did not know what effect it might have upon his mind -

Commission adjourned

Commission met pursuant to adjournment at the same place at the hour of 4 O.C P.M. the 3rd day of April 1845 Present the solicitors of the respective parties

Abel R Blakeney a witness of lawful age produced on the part of the defendants, being duly sworn and examined by the solicitor for the defendants, deposes as follows, I am acquainted with Dr Whittaker, his Character for veracity is very bad in the Community as to honor and integrity is also bad - I would not believe him upon