to this suit or either and which of them? If yea how long have you known them and each of them?

2d Are you or not acquainted with the handwriting of the defendants, If yea Look at the paper now shown you marked Exhibit A Is or is not the signature "Catherine M Raborg and Catherine McClellan thereunto attached in the handwriting of the said defendants? State any circumstance within your knowledge which may lead you to the opinion which you entertain on this subject.

S H Tagart
Chas F. Mayer Sol for Complts

Ephraim K Barnum and Zenus Barnum
vs
Catherine M Raborg and Catherine McClellan

In Chancery

At the execution of the annexed Commission issued out of the Court of Chancery to me directed and empowering me to examine witnesses on behalf of the Complainants, in the cause depending in the said Court wherein Ephraim K. Barnum and Zenus Barnum are Complainants and Catharine M Raborg and Catherine McClellan are defendants, I Frederick Pinkney the Commissioner therein named having met on the second day of August in the year of our Lord eighteen hundred and forty five at ten O'Clock in the forenoon at the Office of Samuel H Tagart Esquire in the City of Baltimore pursuant to notice and having first taken the oath annexed to the said Commission the Complainants filed with the Commissioner the exhibit hereunto annexed and marked Exhibit A and I then adjourned the said Commission to the fifth day of August in the year aforesaid at ten O'Clock in the forenoon at the same place at which last mentioned time and place I proceeded to take the following deposition that is to say Samuel McClellan a witness of lawful age produced on 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

1 To the first Interrogatory that he knows all the parties to the said suit that he has known one of the Complainants Ephraim K Barnum five or six years and the other Complainant Zenus Barnum not quite so long and has known Catherine M Raborg one of the defendants about thirty years and that the other defendant Catherine McClellan is the daughter of this deponent.

2d To the second interrogatory that he is perfectly well acquainted with the hand writing of the said defendants respectively that the said signatures to the said Exhibit A are in the hand writing of the said Catherine M Raborg and Catherine McClellan respectively that he has repeatedly seen them write and is familiar with their handwriting

There being no other witnesses to be examined, I then at the request of the Complainants solicitors closed the said Commission and herewith return the same on this fifth day of August in the year of our Lord eighteen hundred and forty five under my hand and Seal,

Frederick Pinkney Commissioner (Seal)

Exhibit A

Fd with Commr 2 Augt 1845 F Pinkney Commr

We acknowledge that we became on the eighth day of July in the year 1844 purchasers from Zenus Barnum and Ephraim K Barnum

Executors of David Barnum for the price of twelve thousand dollars payable with Interest from said day of purchase of the Real Estate of said David Barnum known as Belmont and as said David's Country seat, we hereby bind ourselves and our Heirs on demand to pay said executors the said purchase money with interest aforesaid part of said purchase money being eight thousand dollars of principal for which George Brown has a mortgage Lien on said Estate.

As Witness our hands and seals this twenty first day of December in the year eighteen hundred and forty four,

Witness as to Cath M Raborg
H C McClellan
as to Cath M McClellan
C R McClellan

C M Raborg (Seal)
C M McClellan (Seal)

The execution of this Commission appears by certain schedules hereunto annexed,

Frederick Pinkney Comr (Seal)

Plaintiffs Cost of executing this Commission $8.00

Frederick Pinkney Commr

And afterwards towit on the 8th day of August 1845 Came John Nelson Esquire of Counsel for the defendant Catherine M McClellan and in her behalf appeared to the said suit

And afterwards towit on the 27th day of August 1845 Came the said defendants by their Counsel John Nelson Esquire and filed in the said Cause their petition in the words following towit

To the Honble Theodorick Bland Chancellor of Maryland

The petition of Catharine M Raborg and Catherine M McClellan respectfully represent,

That a Bill has been filed against them in your Honorable Court praying for the passage of a Decree for the sale of the property in said Bill described, sold to your petitioners by the Complainants in said Bill Ephraim K Barnum and Zenus Barnum and encumbered by a mortgage to a certain George Brown for the sum of eight thousand dollars That the subpoenas issued upon said Bill having been served on your petitioners and they not having answered an Interlocutory Decree was passed therein on the 28th of July last and the Complainants have since taken out an exparte Commission upon which certain testimony has been taken and returned to your Honorable Court

Your petitioners represent that being ignorant of the Cause of proceedings in the Court of Chancery they omitted to answer said Bill of the Complainants from mere inadvertance and from no wish to withhold from the Complainants their just rights, They believe that for the protection of their own interests it is important they should answer said bill They therefore pray that your Honor well recind the Interlocutory Decree aforesaid and permit your petitioners to file their answer which accompanies this petition upon such terms as may be deemed right and reasonable,

And your petitioners pray for all other proper relief and well ever pray &c

J Nelson
Sol^r for Pet^rs

C M Raborg
C M McClellan

Maryland Balt^r Set On this 26th day of August 1845 personally appeared Catharine M Raborg & Cath M McClellan