the Washington Medical College up to the time of its erecting the present establishment and what was done toward erecting and furnishing the present establishment,
Third If in your answer to the third Interrogatory in chief you relate any proceedings of the Corporation say; whether they are spread or were entered on the book of Corporation proceedings and when they occurred,
J. Nelson Charles H. Mayer Lot. of Left.

It is agreed that William Marriott may act as Commissioner to take the answers on oath of Samuel R. Jennings to the within Interrogatories without the form of a Commission actually issuing
J. Nelson, Charles H. Mayer Lot. for Pltff

Conkling and others,
vs
The Washington University of Baltimore and others

In Chancery
By virtue and in pursuance of the power and authority conferred upon me by the agreement entered into between the respective Solicitors in this Cause hereunto annexed authorising and impowering me to act as Commissioner to take the answers on oath of Samuel R. Jennings to the annexed Interrogatories without the form of a Commission actually issuing, I the said William Marrast, the Commissioner therein named, having first taken the oath hereunto annexed did on Friday the thirteenth day of October in the year of our Lord one thousand eight hundred and forty eight at my Office in Tuscaloosa in the State of Alabama proceed to take the deposition and answers on oath of the witness in said agreement mentioned to the Interrogatories and cross Interrogatories signed by the respective Solicitors and hereunto annexed,
Samuel R. Jennings of Tuscaloosa formerly of Baltimore in the State of Maryland Physician of the age of seventy seven years the witness whose testimony I am directed to take being first duly sworn on the Holy Evangelist of Almighty God true answers to make to the several Interrogatories and cross Interrogatories filed with me in this cause and hereunto annexed as aforesaid without fear or affection to either party and therein to speak the truth the whole truth and nothing but the truth doth him God makes oath deposeth and saith as follows To the 1st Interrogatory, That he was one of the founders of the Washington University of Baltimore and remained with it till the year of our Lord one thousand eight hundred and forty five
To the 2d Interrogatory, That the Faculty of Physick appointed Dr. Dunbar and Dr. Foreman to co-operate with two of the Trustees (say Capt. James Corner and Capt. William H. Conklin or Capt. James Frazier not being certain which of the two) to audit my account, and Mr. Hare my Clerk attended with my account and vouchers and after a careful examination of the whole they passed the account appending their signatures to the same,
Cross Interrogatories, To the 1st Cross Interrogatory, That by the term Stockholders I mean all persons who united with the Faculty of Physick in the enterprise all of whom were to be received in their respective claims of dividends when profits should be made, As to

that part of the Interrogatory respecting those persons who contributed monies to build the Washington buildings &c. the subscriptions were made and the monies paid in to erect building for a Medical School with a Hospital and boarding house annexed and which it was expected would be profitable the deed will speak for itself on that point, moreover we called them Stockholders for one other reason which will answer, the remaining part of the Interrogatory that the College intended, that in the profits of the Hospital and boarding house, the contributions should have equal interest with themselves dividing pro rata according to the respective sums paid in by each the Professors in this respect being on an equal standing with the other Contributors,
To the 2d Cross Interrogatory All the monies paid in by the Contributors or Stockholders was paid towards the erection of the buildings and fell short, the deficiency and paying nearly the whole amount of expenditures for furniture fell upon me, as my account will show much of which I paid and some of which was not paid, because of my inability and its accompanying and consequent circumstances, we had been engaged in a Medical College several years before the erection of the present establishment, The first building was founded twenty years ago or thereabouts by the professors and the house was built and furnished by them and the whole of the property and its appendages were bought and owned by them, It was sold for four or five thousand dollars and the proceeds divided as it was intended, if circumstances should favor us to erect a better building, we received in part of payment some lumber, which we let Mr. Robinson the builder of the new establishment have at its value there was no other transfer of property of any sort from the and to the other Institution, The first Institution was founded under a dispensation from the Washington College of Pennsylvania and its success was not as flattering as it was hoped it would be and it was discontinued,
To the 3d Cross Interrogatory There is a record of the proceedings of the Corporation which was kept by Dr. Edward Foreman who had the books when I left Baltimore, The witness here stating that he had no further answer to make to the foregoing Interrogatories or Cross Interrogatories the Commissioner then concluded his examination and herewith returns the same closed up under his hand and seal this thirteenth day of October A.D. 1848. William Marrast (Seal)
You shall according to the best of your skill and knowledge truly and faithfully and without partiality to any or either of the parties take the examination and deposition of Samuel R. Jennings the witness to be examined by virtue of the agreement hereto annexed upon the Interrogatories and Cross Interrogatories signed by the Solicitors of the respective parties and hereto annexed So Help me God. Administered this thirteenth day of October A.D. 1848. To William Marrast the Commissioner in said agreement mentioned by me a Notary Public of the State of Alabama in and for the City of Tuscaloosa duly Commissioned and sworn, Witness my hand and Notarial seal the day and year above written, (Seal)
James L. Childress Notary Public