

that you cause notice to be given to the parties, or their attorneys, of the execution of the Commission, before you execute the same, and having reduced the depositions of the witnesses, so taken by you, into writing you send the same, with this Commission, closed under your hand, and seal, unto the Court, as a Court of Chancery, with all convenient speed. Witness The Hon. John Buchanan Esq: Chief Judge of our said Court the 22<sup>d</sup> day of February Anno Domini 1841. Issued 2<sup>d</sup> day of March 1841.

(M.N.)

Henry Schley Esq

Commissioners Oath.

You shall, according to the best of your skill and knowledge, truly, faithfully, and without partiality to any or either of the parties, take the examinations & depositions of all and every witness, and witnesses produced and examined by virtue of the Commission hereunto annexed, upon the Interrogatories now, or which may hereafter be produced to and left with you by either of the said parties so help you God

A. Campbell

Clerks Oath

You shall truly, faithfully, and without partiality to any, or either of the parties, in this Cause, take write down and transcribe the depositions of all and every the witness & witnesses produced, and examined by the said Commissioners to take write down and transcribe the said depositions, or any of them. So help you God.

M. D. Duckett

The following Interrogatories filed with the Commissioners.

- 1<sup>st</sup> Do you know the parties to this Bill?
- 2<sup>nd</sup> Are or are not Henry Ebert, and his wife Elizabeth dead?
- 3<sup>rd</sup> Do you know whether Elizabeth Asenith, and Ellen Collins are Infants?
- 4<sup>th</sup> Do you know the land mentioned in the Bill?
- 5<sup>th</sup> Is it your opinion or not, that it would be for the Interest and advantage of the Infants, and all the parties concerned, that said land should be sold? If yes, state your reasons.

Madison Nelson - Sell<sup>r</sup> For Com<sup>r</sup>

At the execution of the annexed Commission, issued out of Frederick County Court, sitting as a Court of Equity, and to me directed, and empowering me to examine evidences in the Cause depending in the said Court between Collins and others as Complainants, and Ebert & others as defendants I Mountjoy B. Duckett, Commissioner therein named having met on the 2<sup>d</sup> day of March 1841 at my Office in Frederick and taken the Oath annexed to said Commission and having appointed Thomas M. Markell my Clerk, and administering to him the Oath annexed to said Commission to be taken by him, did proceed then and there to take the following depositions to wit:

Daniel Swearing, a witness of lawful age produced, on the part of the Complainants, being duly sworn, and examined to Interrogatories filed with the Commissioners, by the Complainants, and herewith returned, deposes and says

To the First Interrogatory, That he knows the parties. To the second that they are dead, To the third - that they are Infants To the fourth - That he knows the land. To the Fifth he thinks it would be for the Interest and advantage of the Infants, and all parties concerned, that said land should be sold, for the reason that it is unsuceptible of division

whereupon Adam Strubbaum, a witness of lawful age, also produced on the part of the Complainants, being duly sworn and examined deposes and says

To the first Interrogatory That he knows the parties. To the second that they are dead To the 3<sup>d</sup> that they are under twenty one years of age To the fourth that he knows the land To the Fifth He believes it would be for the Interest of all the parties concerned, as the land cannot be divided advantageously; and he thinks it would yield more by the said fund being invested, than it does in its present condition