

Whereupon the following Petition was filed 31 Jan'y 54

Samuel Clagett - In the Circuit Court for Frederick County sitting as a Court of Equity  
 " } The Petition of the Complainant in the above cause. Respectfully  
 Margt Rooney & others sheweth - That Subpoenas have been issued and served on all the  
 defendants and their answers duly filed except the answer of Margant Rooney who having  
 failed to appear an Interlocutory Decree was obtained against her - That John Rooney,  
 Joseph Rooney, Alice Rooney & Catharine Rooney are Infants and although they have answered  
 the said Bill of Complaint by their guardian yet your Petitioner is advised - That it is neces-  
 sary to prove the allegations of the said Bill of Complaint by disinterested Testimony.

Your Petitioner therefore prays your Honor to order a  
 Commission to issue to some suitable persons to take Testimony in said Cause & to  
 return the same to this Honourable Court and as Ye  
 J. S. Clagett Siler  
 For Compt

On reading & considering the foregoing Petition it is ordered by the Court That a Commis-  
 sion to take Testimony in the above Cause be issued by the Clerk of the Court to  
 Robert Wilson & Frederick J. Nelson  
 W. Nelson  
 31 Jan'y 1854

Whereupon the following Commission was issued by  
 Maryland Sec The State of Maryland to Frederick J. Nelson & Robt Wilson Esqrs of  
 Frederick County greeting Best known - That you are appointed Commissioners  
 to examine Evidence in a Cause depending in the Circuit Court for Frederick  
 County as a Court of Chancery - Between Samuel Clagett Complainant & Margant  
 Rooney & others Defendants you are therefore required having first taken the Oath here-  
 unto annexed, and also administered the annexed Oath to the person whom you shall  
 appoint as Clerk to attend the execution of this Commission - That at such time &  
 place as to you shall seem convenient you cause to come before you all such evidence  
 as shall be named and produced to you by either the plaintiff, or defendant, and that  
 you examine them on their Corporal Oaths, to be by you administered upon the Holy  
 Evangelis of Almighty God touching their Knowledge or remembrance of any thing that  
 may relate to the Cause aforesaid, and that you cause Notice to be given to the parties  
 or their attorneys of the execution of the Commission before you execute the same &  
 having reduced the depositions of the witnesses so taken by you into writing you  
 send the same with this Commission close under your hand & seal, into the Court  
 as a Court of Chancery with all convenient speed Witness the Hon. William Nelson  
 Esq. Judge of said Court the second day of January Anno Domini 1854 Issued 31<sup>st</sup> day  
 of January 1854  
 Edw. Shriver etc

Commissioners Oath

You shall according to the best of your Skill & Knowledge truly faithfully & without  
 partiality to any or either of the parties take the examinations & depositions of all  
 & every Witness & Witnesses produced and examined by virtue of the Commission  
 hereinto annexed upon the Interrogatories now or which may hereafter before the  
 said Commission is closed be produced & left with you by either of said parties So  
 help you Gods Sworn to in General Oath prescribed by the Court & Recorded in the  
 Clerks Office

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 said depositions or any of them  
 So help you Gods