

Whereupon the following Commission was issued, to wit.

Maryland &c. The State of Maryland, to George H. Shellman Esq. Frederick County, Greeting  
Be it known that you are appointed Commissioner, to examine evidences in a cause depending, in the Circuit Court, for Frederick County as a Court of Equity, between Thomas Waller, Complainant, and Israel Mayberry & others defendants, you are therefore required, having first taken the oath hereunto 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 evidences, as shall be named, and produced to you, by either the Complainant, or defendants. And that you examine them on their Corporal Oaths, to be by you administered up on the Holy-Scriptures 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; and 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 Equity, with all convenient speed.

Witness the Honorable Mason Nelson, Judge of our said Court, the first day of January Anno Domini 1855. Issued the 4<sup>th</sup> day of January 1855.

Edw. Shivers

Commissioner's Oath

you shall, according to the best of your skill, and knowledge, truly, faithfully & 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 & left with you by either of said parties So help you God. Sworn Before. J. B. Duffell.

Clerk's 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 witness, and witnesses, produced and examined by the Commissioner, named in the Commission hereunto annexed, as far forth as you are directed & employed, by the said Commissioner, to take write down, and transcribe the said depositions, or any of them So help you God.

The following Interrogatories were filed.

Waller } N. 2379. Equity. In the Circuit Court, for Frederick County, Aug. Term 1855.  
" } Inter. 1<sup>st</sup> Do you know the parties to this Bill of Complaint: if yes  
Mayberry & others } how long.

Inter. 2<sup>d</sup> Did you know Albert Mayberry? Is he living or dead? If dead when & where did he die? Did he leave any children? If no children state whether he left brothers and sisters, or children of deceased brothers and sisters, name them all. State where they reside if the females state which are married and to whom, and state which are adults and which Infants.

Inter. 3<sup>d</sup> Did said Albert Mayberry, leave personal Estate, sufficient to pay his debts?

Inter. 4<sup>th</sup> Did said Albert Mayberry, leave any Real Estate, if you where situated?

Interrogatory to be propounded to George D. Miller.

Int 1<sup>st</sup> Look at exhibit N. 2 & state whether the same is a true Copy of the agreement entered into between Jacob Little & Albert Mayberry? State also how much of the purchase money mentioned in said agreement, is yet owing.