

you shall appoint as Clerk to attend the execution of this Commission, that at such time, and 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 plaintiff, or defendant, and that you examine them on their Corporal Oaths, to be by you administered upon the Holy Evangelists 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, and seal, into the Court as a Court of Chancery with all convenient speed. Witness the Honble. John Buchanan Esq. Chief Judge of our said Court, the 26<sup>th</sup> day of February. Anno Domini 1844.

Seals

Issued 6<sup>th</sup> day of August, 1844.

Place:

Henry Schley ck.

And afterwards to wit: on the day of \_\_\_\_\_ in the year last aforesaid the Commissioner named in the foregoing Commission made return of the said Commission to the Court here, together with his proceedings under, and in pursuance thereof, which proceedings are in the words & of the tenor following, to wit.

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 said Court, wherein Frederick Crabbs sr. is Complainant, and John Eyles is defendant - I William J. Palmer - Commissioner therein named, having met, on the 19<sup>th</sup> day of August 1844, at the office of Joseph M. Palmer in Frederick Town, and taken the Oath annexed to said Commission, and having appointed Mr. D. Lockett my Clerk & administering to him the Oath to be taken by him did proceed then, and there to take the following depositions, to wit: Michael C. Adelsperger a Competent witness produced on the part of the Complainant, being duly sworn, and examined to Interrogatories filed with me, by the Complainant, deposes & says.

To the first Interrogatory: I know them, and have known them fifteen or twenty years. To the second Interrogatory. I look on exhibit A. No. 2. I made the settlement, drew the notes, and they were signed by John Eyles in my presence. I made the settlement in relation to the lands purchased by Crabbs, of the Sheriff, and then got by Crabbs to Eyles, and these notes were given in part purchase money for said lands. To the third Interrogatory I look on exhibit A. No. 1. and read and examined the same - at the time the above mentioned notes were given, there was a long settlement in relation to the lands purchased by Eyles, of Crabbs, and the above mentioned notes were given, for the balance of the purchase money, due for said lands which is a part of the lands described in Exhibit A. No. 1. - It was at the same time agreed between the parties, that the said notes should be a lien on the said lands, and that the notes should be so drawn - as to constitute a lien. To 4<sup>th</sup> Interrogatory - I am not able to say anything, as to the Solvency, or insolvency. I heard the officers, who went to serve upon him the writs issued in the suits, on said notes say - that Eyles had gone off, or hid himself to prevent the writs being served, further - this deponent saith not.

Whereupon, Mr. D. Fillingim - a Competent witness, produced -