

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 upon the Holy Evangel of Almighty God, touching their Knowledge or remembered 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, and seal, in to the Court, as a Court of Equity, with all-Convenient speed. Witness The Honble Madison Nelson Judge of our said Court, the 11th day of February. Anno Domini 1856. Issued 25th day of April. 1856.
Edward Shivers Ck.

Commissioner's 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 before the said Commission is closed, be produced to, and left with you by either of the said parties

So help you God. Sworn & Defend Wm. Haggins.

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

So help You God.

Smith. } No. 2665. Equity. In the Circuit Court for Frederick County.
01. } Sitting as a Court of Equity, at the execution of the annexed Commission issued out of the Circuit Court, for Frederick County, sitting in Equity, and to me directed, and empowering me to examine evidences in a Cause depending in said Court, between John J. Smith as Complt. and Hiram E. Smith & others defendants. J. Bradley, J. Johnson, Commissioners therein named, at my office on the 26th of April. 1856, having given notice to said parties, and taken the Oath annexed to said Commission, did then, and there in the presence of George K. Shellman Esquire Solicitor for Complainants take the following depositions to wit: George Smith, a witness of lawful age, produced on the part of Complainant, being duly sworn & examined to Interrogatories filed with me by Complainant & herewith returned, deposes & says.

To the 1st Inty. He knows all the parties, Complainant & defendant, and has known them from their birth.

To the 2^d Inty. He did know Ezra Smith & Mary Smith his wife, in their life time. They are dead, Ezra Smith died on the 14th Sept. 1842 & Mary Smith died 29th Aug. 1842. Mary Smith dies Intestate. To 3^d Inty. she left four children William Edward - Hiram Ezra, Henrietta Rebecca, John Thomas, none have died, since her death, none named, all under twenty one, except William Edward, all reside in Frederick County.

To 4th Inty. Mary Smith, left real Estate, which is the same mentioned in Ex. No. 1. & therein devised to Mary Myers, who married said Ezra Smith & is the Mary Smith spoken of, she dies seized of said Real Estate, & witness has been in possession, and charge of said Real Estate, ever since her death as the guardian of her children.