The Defendants John Kinney and Mary Ann Kinney, having been duly summoned to appear to the Bill of Complaint in this Case, and having failed to appear thereto — It is therefore this 1st day of February 1870, by the Judges of the Circuit Court for Frederick County, sitting as a Court of Equity, and by the Authority of said Court, adjudged, ordered and decreed, that the Complainants are entitled to relief in the premises. But because it doth not certainly appear to what relief the Complainants are entitled, it is further adjudged and ordered that a Commission issue to Francis Brengle and J. E. R. Wood Esqrs to take testimony, to support the allegations of the Bill. ~

Filed February 1st 1870 ~ John A. Lynch

Commission to Take Testimony

Maryland Sct:

The State of Maryland to Francis Brengle and J. E. R. Wood of Frederick County Greeting. ~

Be it Known, that you are appointed Commissioners, to examine Evidences in a Cause depending, in the Circuit Court for Frederick County as a Court of Equity, between Zacharias Myers and Susan Myers his wife, Complainants, and John Kinney, Mary Ann Kinney, and David Barnhart and Sarah Barnhart Defendants. ~ You are therefore required, having first taken the Oaths 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 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 Complainant or Defendant; And that you examine them on their Corporal Oaths, to be by you administered upon the Holy Evangely 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, closed under your hand and seal, into the Court as a Court of Equity, with all Convenient Speed. ~

Witness the Honorable Madison Nelson, Chief Judge of our said Court, 13th day of December Anno Domini 1869. ~

Issued the 1st day of February 1870 ~

Charles Mantz, Clerk

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 and 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 said parties. So help you God. ~

Clerks Oath

You shall truly, faithfully, and without partiality to any or either of the parties to this Cause, take, write down, and transcribe, the depositions of all and every the witness and witnesses produced and examined by the Commissioner to take, write down, and transcribe the said depositions, on