

Commissioner

At the execution of the annexed Commission issued out of the Circuit Court for Frederick County, and to me directed, empowering me to examine witnesses in the cause No 3427 Equity, in which Hezekiah Fox is Complainant and Jacob Schockey and others are defendants. ~

I Francis Brungle, Commissioner therein named, and one of the standing Commissioners of said Court, at 2 O'clock on Thursday the 14th day of April, in the year 1870, at my office in Frederick City, Maryland proceeded to take the following testimony, in the presence of Wm. Ross, Solicitor for Complainant, and John Le Motter, Solicitor for defendants. ~

Joshua Biggs, a witness of lawful age produced on the part of the Complainant, being duly sworn and examined to special interrogatories and cross interrogatories, filed with the Commissioners, and herewith returned, deposes and says ~

To the 1st Sub. ~ That he sold the property in these proceedings mentioned as Trustee to Hezekiah Fox for Thirteen dollars and fifty cents per acre. ~

To the 2nd Sub. ~ That he knows but two persons that were bidding, William Helty and Hezekiah Fox. That he knows of no persons who were at the said sale, who were prevented from bidding. ~

To the 3rd Sub. That he saw Mr Helty at the sale, He did bid, He stopped bidding. That he called William Helty to one side when defendant found him bidding, and defendant asked him, whether he could comply with the terms of sale, he replied that he could not. After that the bidding continued. Fearing that I could be involved in difficulty myself, I called Mr Helty up in the presence of Dr. Annan, and there propounded the same questions to him, and asked if he would comply with the terms of that sale. He said he could not. Defendant then replied that the purchaser of this property would have to comply with the terms of sale, when it was knocked down to him. ~

To the 4th Cross Sub. ~ He said no such thing. ~ His reply to me was emphatic that he could not comply with the terms of sale. ~

Joshua Motter, a witness of lawful age, produced on the part of the Complainant, being duly sworn and examined to special interrogatories, and cross interrogatories filed with the Commissioner deposes & says. ~

To the 1st Sub. That he knows William Helty. That he does not think he is worth anything. ~

To the 2nd Sub. ~ That he knows the land mentioned in these proceedings. When he heard what it brought he thought it sold for a fair price. ~

1st Cross Sub. ~ That he has not seen the property, it may be for ten years He don't think it has improved in value since he saw it. ~ From his present personal knowledge of the property, he thinks it sold for a fair price. ~

Dr. Andrew Annan, a witness of lawful age, produced on the part of the Complainant, being duly sworn, and examined to special interrogatories filed with the Commissioners, deposes and says ~

To the 1st Sub. That he was present at the sale. William Helty was a bidder He thinks Helty was the last bidder, That he knows William Helty was not prevented from bidding. ~

To the 2nd Sub. ~ That he thinks he knew the pecuniary condition of