these Respondents signed the same by accident and mistake and they insist that in Equity the same ought not to be enforced against them and that said Mortgage is null and void, these Defendants admit that they are indebted to said Complainant in the sum he has paid for them as surety as aforesaid and which sum they are willing and do intend to pay to said Upton Slower the Complainant with int. and these Defendants say they have no knowledge of the matters and things stated in the said Bill and having answered all that pertains to them they pray they may be hence dismissed with their reasonable costs

Wellon G Urner
Sol. for Defts

Filed Feby. 16. 1874

General Replication

Upton Slower
vs.
Mary Bankard, Josiah Bankard & others

No. 3901 Equity
In the Circuit Court for Frederick County, sitting in Equity
Mr. Gorsuch

Enter general replication to answers of all the Defendants.

W P Maulsby
Sol. for Complt

Filed April 17. 1875.

Agreement to issue Commission

It is agreed that a Commission to take testimony be issued to Wm B Nelson and J. E. H. Wood standing Commissioners

W P. Maulsby
Sol. for Complt.
Wellon G Urner
Sol for Defts

Filed April 17 1875.

Commission to take Testimony

Maryland Set.

(Seal)

The State of Maryland to Wm. B Nelson & J. E. H. Wood of Frederick County, Greeting. Be it known that you are appointed Commissioners to examine evidence in a cause depending in the Circuit Court for Frederick County as a Court of Equity between Upton Slower Complainant and Mary Bankard Josiah Bankard and others Defendant. 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 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 Evangels of Almighty God touching their knowledge or remembrance of anything 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 this Commission before you execute the same and having reduced the depositions of the witness so taken by you into writing you send the same with this Commission closed under your Hand and Seal into this Court as a Court of Equity with all convenient speed.

Witness the Honorable Richard J. Bowie Chief Judge of our said Court the 16th day of February Anno Domini 1874.
Issued the 17th day of April 1874.

Thomas Gorsuch, Clerk.