and the said Defendants Washington H Harbaugh, A B Sawyer and Laura L Sawyer his wife, Washington F Harbaugh and Lucy E Harbaugh his wife Morgan W Harbaugh Julia P Harbaugh Daniel Miller Valentine Miller and Eliza Miller his wife Daniel Miller Jr. and Elizabeth Miller his wife Dallas Miller and Priscilla Miller his wife, Milford L Miller and Elizabeth Miller his wife Georgiana Miller Elizabeth Spohn Milford L Spohn Marion E Spohn Ora E Spohn Mary Lee Spohn Edward H Spohn Henry Smith and Julia Smith his wife Jane Herbert — Bleuing and Laura E Bleuing his wife Mary Jane Herbert Margaret J Herbert Lilly Herbert and Elizabeth Herbert having failed to appear and answer the Bill of Complainant, It is thereupon this 15th day of November A. D. 1872 by the Circuit Court for Frederick County as a Court of Equity and by the authority thereof adjudged ordered and decreed that the said Bill of Complainant be and the same is hereby taken for confessed against the said non-resident Defendants.

And the Defendants George Mertenbaker and Virginia C Mertenbaker his wife and Alda Emma Cartzendafner having been duly summoned to appear to the Bill of Complainant and having failed to appear thereto

It is thereupon this 15th day of November A. D. 1872 by the said Circuit Court for Frederick County as a Court of Equity and by the authority thereof adjudged ordered and decreed that the Complainant is entitled to relief in the premises, but because it doth not certainly appear to what relief the Complainant is entitled it is further adjudged and ordered that a Commission issue to the standing Commissioners to take testimony to support the allegations of the Bill.

Filed Nov 16 1872. John A Lynch

Commission to take Testimony

Maryland Sct:

(Seal) The State of Maryland to William R Nelson and J. E. B Wood Esqs 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 Edward Borden Admr &c. of Elizabeth E Spohn decd. Complainant and William Cartzendafner and others Defendants 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 evidence 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 anything that may relate to the cause aforesaid and that you cause notice to be given to the parties or their Attornies of the execution of the 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 said Court 16th day of September Anno Domini 1872. Issued the 16th day of November 1872

Charles Mantz, Clerk.