

Interlocutory
Decree

Solomon J Montgomery wife
vs
Mary M Smith et al

No 3883 Equity
In the Circuit Court for Frederick County, as a
Court of Equity

May Term 1875

The Defendants Sarah E Smith, Thomas Smith and Matilda Smith his wife, Daniel Smith and Ephraim Orcutt and Ann Orcutt his wife having been duly summoned to appear to the Bill of Complaint and having failed to appear and answer said Bill of Complaint It is thereon this 7th day of September in the year 1875 by the Circuit Court for Frederick County as a Court of Equity, and by the authority thereof adjudged ordered and decreed that the Complainants are entitled to relief in the premises against the abovesaid Defendants

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 William P Nelson to take testimony to support the allegations of the Bill.

Filed Sept. 7. 1875.

John A Lynch
Judge of the Cir Court.

Commission
to take
Testimony

Maryland Jct :



The State of Maryland to William P Nelson Esq of Frederick County, Greeting. Be it known that you are appointed Commission to examine witnesses in a cause depending in the Circuit Court for Frederick County, as a Court of Equity between Solomon J Montgomery and Mary A M. Montgomery his wife Complainants and Mary M Smith, John W Smith wife et al 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 come to come before you all such witnesses 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 Evangelys 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 our said Court
10th day of May Anno Domini 1875

Issued the 7th day of September 1875

Thomas Gorsuch Clerk.

Commissioners 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 be produced to and left with you by either of said parties So Help you God.