No 4385 Equity

Issue Commission to the Standing Commissioners of this Court to take testimony as provided in Courts Minutes in above cause of this date

May 22 1879

Filed May 22, 1879

Wm A Hinks
Solr for Complainants

William A Brightwell & wife
vs
Samuel A Emry & others

No 4385 - Equity

In the Circuit Court for Frederick County, Sitting as a Court of Equity.

Interrogatories

1st. State your name, age occupation and place of residence?

2d. Are you acquainted with the parties to this proceeding?

3d. Were you acquainted with Elizabeth Bostian, and if so state when and where she died, whether she was married & left husband or children surviving her, whether of any property at the time of her death, and if so what, whether she died testate or intestate, and if intestate who were her next of kin or heirs at law?

4th. Is the property of which you say the said Elizabeth Bostian died seized the same as that mentioned in the Bill of Complaint in this cause and Exhibit A thereto?

5th. Is said property susceptible of division among the parties entitled thereto without loss and injury & if not why not?

6th. Would it be for the benefit and advantage of the parties entitled to have the same sold by a Trustee to be appointed by the Court and the proceeds distributed among them & if so state reasons why.

Wm A. Hinks
Solr for Complts.

Commission to Commissioners to take Testimony

Place of Seal

Maryland, Sct.

The State of Maryland, To William B. Nelson and John E. R. Hood Esqrs. of Frederick County, Greeting.

Best-known, That you are appointed Commissioners to examine Evidences in a cause depending in the Court for Frederick County as a Court of Equity, between William A. Brightwell and Susannah Brightwell his wife Complainants, and Samuel A. Emry John W. Emry 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 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 this 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 unto this Court as a Court of Equity with all convenient speed. Witness, the Honorable Richard J. Bowie, Chief Judge of our said Court the 12th day of May Anno Domini, 1879. — Issued the 22nd day of May 1879.

Thomas Goetsch, Clerk