

No 4330 Equity. (Supp. Proceedings)

No. 4330, September Term 1880

Court's Order

Ordered by the Court this 19<sup>th</sup> day of October, A. D. 1880, that the above petition be referred to the standing Commissioner of the Court to take Testimony to support the allegations of said petition.

John A. Lynch

Judge of the Cir. Court

Filed Oct 19 1880.



Maryland, Oct.

The State of Maryland, To William B Nelson Esq., of Frederick County, Greeting.

Commissioner to W. B. Nelson

Best known, That you are appointed Commissioner, to examine Evidence in a cause, depending in the Circuit Court for Frederick County as a Court of Equity, to take testimony in support of the allegations set forth in the Petition of Mary A. Smith and Joseph G. Miller, Trustees in No 4330 Equity, in the Circuit Court for Frederick County, filed in said Court, on the 19<sup>th</sup> day of October, 1880, in which Hland O Smith and George W. Smith and others, are complainants, and Clara C. Smith, Granville M. Smith and Franklin E. Smith are 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 the 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 of the Petitioners & respondents and that you examine them in their corporal oaths, to be by you administered upon the Holy Evangel 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 Attornies, of the execution of the 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, 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 twentieth day of September, Anno Domini, 1880.

Subscribed the nineteenth day of October 1880.

Adolphus Towhake Jr. Clerk.

Commissioner's 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 is closed, be produced to and left with you by either of said parties. So help you God.

Clerk's Oath

You shall truly, faithfully, and without partiality to any or either of the parties to this cause, take, write down, and transcribe the depositions of all and every the witnesses and witnesses produced and examined by the Commissioner named in the Commission hereunto annexed, as far forth as you are directed and employed by the said Commissioner to take, write down, and transcribe the said deposition or any of them. So help you God.

No. 4330 Equity:

The answer of Mary A. Smith Guardian of Granville M. Smith, & Franklin E.