

No. 14584 Equity.

Witness, the Honorable Richard J. Bowie Chief Judge of our said Court the tenth day of May, Anno Domini, 1880.

Issued the tenth day of June 1880.

(Res)

Adolphus Lambaker Jr. Clerk.

Commissioner's Oath

You shall, according 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 said witness 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 witness 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 depositions, or any of them. So help you God.

At the execution of the annexed Commission, issued out of the Circuit Court for Frederick County, sitting as a Court of Equity, and to me directed & empowering me to examine witnesses in the cause therein depending, between The Frederick Town Savings Institution as Complainant, and Joseph Easterday, Jacob Frederick M. Easterday & wife, and others, as Defendants, J. William B. Nelson, Commissioner therein named, did, on the 17th day of June, A. D. 1880, at my office in Frederick City, Maryland, then & there, upon the said Commission issue subpoena for witnesses to testify before me in said Case, returnable on the 26th day of June A. D. 1880, at which time and at the place aforesaid, I then and there, proceeded to take the following testimony, to wit:

The complainant filed with the Commissioner as Evidence, Exhibits Nos. "1", "2", "3", "3 1/2", "4" & "5", which are herewith returned by the Commissioner: And at the same time Complainant offered in evidence, The Acts of the General Assembly of Maryland passed on the 7th day of March, 1828; of 1837 & 1828, Chap. 142, and of 1878 Chap. 16, incorporating Complainant.

Testimony of Jos. Easterday

Joseph Easterday, a witness of lawful age, produced upon the part of the Complainant, being duly sworn & examined to Interrogatories filed with the Commissioner by the Complainant & herewith returned, deposes & says, to the 1st Int: - I know all the parties. The Defendants are, my son & wife, myself, my sons-in-law, and my Grandchildren. 2d Int: - I was. She was my first wife. She died in Frederick County Md, in 1859. 3d Int: - She did. She left a husband, this deponent, and four children, namely Rachel Ann, Sarah Virginia, Frederick Marion and Joanna Easterday, who resided at that time in Frederick County, Maryland. Frederick Marion Easterday has since married Mattie Hendricksen, of St. Louis, Missouri. 4th Int: - Joanna died in Frederick County, Md, in and about 1861, Sarah Virginia died at Charlestown W. Va. in 1876 or 1877, and Rachel Ann died in Charlestown W. Va. about 1878