

No. 4739 Equity.

before you execute the same; and having reduced the depositions of the witnesses voluntarily by you, into writing, you send the same with this Commission, closed and under your hand and seal, into this Court, as a Court of Equity, with all convenient speed.

Witness, the Honorable John Ritchie, Chief Judge of our said Court the Twenty first day of February, Anno Domini, 1882.

Assesed the Fourth day of March, 1882.

(Ses)

Adolphus Fearhake 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 deposition 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.

(Under Interlocutory Decree)

John Rouzer

No. 4739 Equity

Susan Birely, widow, Susan Birely, Administratrix of John Birely, dec'd. John M. Birely and Elizabeth Birely his wife, Lewis A. Birely and Martha Birely his wife, Daniel Eby, and Laura Eby his wife, George W. Eby and Margaret Eby his wife

In the Circuit Court for Frederick County in Equity.

Interrogatories

Interrogatories to be proposed to witnesses to be produced on the part of the Complainant.

- 1st Do you know the parties to this Cause? and if yea, how long have you known them and each of them
2d Did you know a certain John Birely formerly a resident of Frederick County if yea is he dead or alive, if dead when and where did he die?
3rd Did the said John Birely, at the time of his death leave a widow and children him surviving if yea state their names ages and present places of residence
4th Did the said John Birely die Testate or intestate?
5th Are you acquainted with the Real estate of which the said John Birely died seized and possessed, if yea look at the Exhibits now shown you marked Exhibits 3, 4 & 5, Is are want said lands therein described