

No. 1111 Equity.

until the 28th of December A. D. 1880, at which time, at my office, in Frederick city, Maryland, there being no witnesses present to testify, the said Commission was adjourned to the 29th day of December, A. D. 1880, by consent, and at the same time, subpoena was issued by the said Commissioner for James A. Oudorff, to appear and testify upon the part of the Complainants, returnable to the said time and place; at which time, and at the place aforesaid, no witnesses being present, the said Commission was adjourned to the 6th day of January, A. D. 1881; at which time and at the place aforesaid, at the request of the complainants, the Commissioner certified to the Clerk of the Circuit Court for Frederick County, the refusal and failure of the said James A. Oudorff to appear and testify, according to the exigency of the said subpoena, and adjourned the said Commission to the 7th day of January, A. D. 1881; at which time and <sup>at the</sup> place aforesaid, the said Commissioner issued subpoena for the said James A. Oudorff to appear and testify upon the part of the Complainants, returnable on the 14th day of January, A. D. 1881, at 10 O'Clock, A. M., and gave due notice thereof to the solicitor for the defendant; at which time, and at the place aforesaid, the Commissioner adjourned the said Commission to the 14th day of January, A. D. 1881, at 10 O'Clock, A. M. as aforesaid; at which time, and at the place aforesaid, the said Commissioner, the said James A. Oudorff not being present, issued subpoena for the said James A. Oudorff to appear and testify for the Complainant, returnable on the 24th day of January, A. D. 1881, at 10 O'Clock A. M.; at which time and at the place aforesaid, the said James A. Oudorff not being present, the said Commission was adjourned to the 5th day of July, 1881, at 10 O'Clock A. M., at which time, and at the place aforesaid, the said Commissioner issued subpoena for the said James A. Oudorff to appear and testify upon the part of the complainant, returnable on the 14th day of July, A. D. 1881, at 10 O'Clock, A. M., and gave due notice thereof to the solicitor for the defendant; at which time and at the place aforesaid, the said Commissioner, the said James A. Oudorff not being present to testify, was adjourned to the 15th day of July, A. D. 1881; at which time and at the place aforesaid, at the request of the solicitor for the Complainant, the said Commissioner certified to the Clerk of the Circuit Court for Frederick County, the failure and refusal of the said James A. Oudorff to appear and testify, according to the exigency of the said (of the said) subpoena, and adjourned the said Commission to the 20th day of July, at 2 O'Clock, P. M.; at which time, and at the place aforesaid, the parties appeared, and James A. Oudorff being present, a demand was made by the defendant for a copy of the Complainant's interrogatories, whereupon the said Commission was adjourned, by consent, to the 21st day of July, A. D. 1881, at 2 O'Clock P. M.; at which time, and at the place aforesaid, the parties and their solicitors being present, and a copy of the complainant's interrogatories, from int. 1 to int. 54 inclusive, being delivered to the solicitor for the defendant, I then and there proceeded to take the following testimony, to wit:

The Complainants filed with the Commissioner: as evidence, "Exhibits Nos. 1, 2, 3, 4, 5, 6 and 7," and "Exhibit C," which are herewith returned by said Commissioner.

James A. Oudorff, a witness of lawful age, produced upon the part of the complainant, being duly sworn and examined to interrogatories filed with the Commissioner by the complainant, and herewith returned, deposed and says,