June Term 1818

And at the same term the parties entered into the following agreement.

Charles, Valentine, Jacob and John Flegle
vs.
Lawrence Burkhart and Mary his wife.

Issue Com's by consent to Richard Brooke Esqr 29th Octo 1805.

Arthur Shaaff for Compt
John Johnson for Deft.

Whereupon commission issued in the words following to wit.

Maryland ss.

The State of Maryland To Richard Brooke of Frederick County Greeting. Know ye, That we have appointed you to be our commissioner to examine witnesses in a cause depending in our high Court of Chancery between Charles Flegle and others Complainants and Lawrence Burkhart and Mary his wife defendant. We therefore require you 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 witnesses as shall be named and produced to you by either the plaintiff 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 attornies 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 our commission close under your hand and seal to us in our high Court of Chancery with all convenient speed. Witness the Honorable Alexander Contee Hanson Esquire Chancellor this 29th day of October Anno Domini 1805

Saml Harvey Howard Reg Cur Can

Commissioners 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

June Term 1818.

hereafter before the said Commission is closed be produced to and left with you by either of the said parties So help you God.

Clerks oath.

you shall truly, faithfully and without partiality to any or either of the parties in 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.

And the said cause so standing continued until July Term 1806 when the commissioner made return return of his proceedings with interrogatories depositions and exhibits in the words following, to wit.

2nd November 1805 Sworn before Jos Lim Smith.

On the 18th November 1805 John Boskey the clerk appointed by me to take down and transcribe the depositions to be taken in virtue of this Commission appeared before me and took the oath of clerk above written.

Richard Brooke Com.

To The Honorable William Kilty Esquire Chancellor of Maryland.

I Richard Brooke the commissioner named in the within Commission do hereby certify that after having taken the oath of commissioner annexed to the said Commission having administered to John Boskey the person appointed by me to take write down and transcribe the depositions to be taken in virtue of this commission. and after having given due notice to the parties of the time and place of executing said commission I proceeded to execute the said Commission a true account of the proceedings in executing which said commission is contained in a schedule hereunto annexed and herewith enclosed Given under my hand and seal this eleventh day of March in the year of our Lord eighteen hundred and six.

Richard Brooke (Seal)

Charles, Valentine, Jacob and John Flegle
vs.
Lawrence Burkhart and Mary his wife

Interrogatories on the part of the Defendants.

1st Do you know the Complainants in this cause or either of them and which? and did you know Valentine Flegle deceased the father of the Complainants?

2 How many children had the said Valentine Flegle by his first wife state their names?