that they might be warned to appear in this Court in person or by Solicitor before the first day of October then next, to show cause if any they had, why a decree should not pass as prayed. And it now appearing to this Court that the directions of the said order have been complied with on the part of the complainant, and that said absent and unknown defendants have neglected to appear in this Court according to the exigency of the said order: and it also now appearing to this Court that the defendants The President and Directors of the Franklin Bank of Baltimore, Henry W. Rogers and Gordon Bigham, have been duly summoned to appear in this Court to answer the said bill of complaint, according to the exigency of the several subpoenas issued in this cause - It is this said eighth day of February in the year 1831. on the application of the complainants Solicitor aforesaid, adjudged ordered and decreed, that the said Bill of complaint be taken pro confesso against the said absent and unknown defendants. It is also on the application aforesaid adjudged ordered and decreed, according to the act of assembly in such case made and provided, that the complainant as against the said defendants who have failed to appear and answer, after being summoned as aforesaid, ought to be relieved in the premises, but because it is not known what relief the complainant is entitled to, and as certain of the defendants have appeared to said bill, and filed their answer thereto, to which the said complainants have filed the general replication, and the said cause as to them at issue. It is further ordered that a commission issue to Robert Wilson and M'Clintock Young for the taking of testimony to support the allegations of the said bill against as well the said defendants who have been summoned and failed to appear and answer, as against the said absent and unknown defendants: and for the taking of such further testimony as the said complainant and the said responding defendants may think proper to adduce.

Tho Kell.

And thereupon issued commission accordingly.

And afterwards to wit, on the sixteenth day of July in the year of our Lord one thousand eight hundred and thirty two, the commissioners named in the said commission, made a return of the same to the Court, together with their proceedings under and in pursuance thereof, which commission and proceedings are in the words and of the tenor following to wit:

The State of Maryland to M'Clintock Young and Robert Wilson Junior Esquires commissioners named on the part of the complainant. Know ye, that you are appointed commissioners to examine witnesses in a cause depending in Baltimore County between Frederick Johnson complainant and the President and Directors of the Aetna Company and others defendants. Therefore you or any one of you are requested, after having 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 or any one of you shall seem convenient, having first given notice to the complainant or his Solicitor

you cause to come before you, or any one of you, all such witnesses as shall be named or produced to you by the complainant, or to any one of you, and that you or any one of you, examine them upon their corporal oaths to be by you or any one of you administered on the Holy Evangelists of Almighty God, touching their knowledge or remembrance of any thing that may relate to the cause aforesaid, and having the depositions of the witnesses so taken by you or any one of you into writing, you send the same, with this commission closed under your or either of your hands and seals, to the Judges of the said County Court, with all convenient speed. Witness the Honorable Stevenson Archer chief Judge of our said County Court, the first day of May in the year eighteen hundred and thirty two. Issued the 28th day of May 1832. Arad Israel Clk.

(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 annexed, or which may hereafter before the said commission is closed be produced to and left with you by either of the said parties. So help you God. Sworn to by M'Clintock Young Comr. this 16th July 1832 before the subscriber a Justice of the peace in and for the City of Baltimore. Jas. B. Latimer.

(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 before and examined by the commissioners or either of them, named in the commission hereunto annexed as far forth as you are directed and employed by the said commissioners or either of them, to take write down and transcribe the said depositions or any of them. So help you God. Sworn to by John Carroll Jr. Clerk this 16th July 1832 before

M'C. Young. Comr.

Frederick Johnson vs The President & Directors of the Aetna Company.	On the Equity side of Baltimore County Court. By virtue of the annexed commission issued out of Baltimore County Court sitting as a Court of Equity to M'Clintock Young and Robert Wilson Jr. directed empowering them or any one of them, to

examine evidences in the above cause I, M'Clintock Young one of the Commissioners therein named, having met on Monday the sixteenth day of July in the year of our Lord one thousand eight hundred and thirty two, and taken the oath to the said commission annexed, and also administered the oath to the said commission annexed to John Carroll Jr. by me appointed Clerk to attend the execution of the said commission, did proceed on the day aforesaid, at my office in the City of Baltimore, to examine and receive evidences on the part of the complainant in the said cause, of which time and place of meeting the Solicitor of the complainant had notice. On which said day to wit, Monday the sixteenth day of July AD 1832 the complainants