June Term 1843.

commissioners for Montgomery County to take testimony in the case of your petitioner against John L. Jones Eleanor L. Coles Clement Smith and Francis Tedlin which commission was first opened by the said commissioners on the 19th day of July last and adjourned from said day to the 12th day of September - And with the consent of the solicitors of both parties in Montgomery County to wit, Richd. I. Bowie, for the complainant and Ben. S. Forrest, Esqr. for the defendant John L. Jones adjourned to some future day to be designated if required, your petitioner further sheweth that some time previous to the issuing of the last mentioned commission a commission had been issued by your honorable Court to John I. Stull Lessee Leach and others at the instance of your petitioner in the same cause to take and perpetuate the testimony of Nathan Luffborough which commission was duly executed and returned before the last commission was issued and the defendant and his counsel had attended and cross examined said Luffborough under the commission to perpetuate at the last adjournment of the commission in chief directed to said Kilgour and Brewer the complainants counsel informed the defendants counsel that if the defendant would consent that the testimony of Luffborough taken under the former commission should be considered testimony in the cause they might dispense with further testimony to which the defendants counsel Ben. S. Forrest, Esqr. answered he had a copy of said Luffborough's testimony which he would examine and let the complainants counsel know whether he would consent. The complainants counsel as your petitioner is informed and believes called on B. S. Forrest, Esqr. after the last adjournment to ascertain whether the testimony of said Luffborough would be admitted but received no definite answer after which he applied to your Honorable Court for an order to take out the exhibits filed with the first commission to prove the same under the commission in chief which being granted, it was found that an important exhibit filed with the original bill being exhibit A had not been proved whence it became necessary to send to the City of Annapolis for that paper which was only obtained from the office, on the 21st. Decr. last and did not reach your petitioners solicitor until a few days ago - your petitioner further sheweth that some time between the first and second sessions of the commissioners under the commission in chief he applied for subpoenas to be directed to Edith Bane and _____ Bane of Prince George's County returnable on the 12th. day of September which subpoenas were not served, Wherefore he could not have the said witnesses (who believes are competent and material witnesses) before the commissioners; From all which causes your petitioner has not been able to bring before the commissioners the evidence necessary to sustain the several allegations contained in his bill and which he believes he will be able to procure in a reasonable time if your Honor will allow your petitioner to do so - But your petitioner is informed and believes that an order has been passed by your Honor at the instance of the defendant John L. Jones (without any notice of his intention given to the complainant or his solicitor in Montgy. Co. as your petitioner is informed and believes) requiring the commissioners to return forthwith the commission directed to them whereby your petitioner is deprived of the opportunity of proving the several allegations contained in his bill in consideration whereof your petitioner prays the said commission may be remanded and your petitioner as in duty bound will ever pray &c.

Richd. I. Bowie, Solr. for petr.

State of Maryland Montgy. Co. Set: On this the 8th. Janry. 1840 personally appeared before the subscriber a Justice of the peace in and for the County aforesaid Joseph H. Jones the petitioner above named admr. of Susanna Clagett and made oath on the Holy Evangely of Almighty God that the matters and things in the above petition stated of his own knowledge are

true and those stated on the information of others he believes to be true.

Hy. Harding -

In Chancery 10th. January 1840 - ordered that the commission heretofore issued and ordered to be returned by the order of the 30th of December last be and the same is hereby remanded to the said commissioners with leave to take further evidence as prayed by the petition of the said Joseph H. Jones filed on this day -

Theodorick Bland, Ch.

And afterwards to wit on the 13th day of January eighteen hundred and forty the standing commissioners made return of the commission issued to them with their proceedings under the same in the words following to wit:

Maryland &c. The State of Maryland To Alexander Kilgour and John Brewer of Montgomery County greeting - Know that we have appointed you to be our commissioners to examine witnesses in a cause depending in our High Court of Chancery between Joseph H. Jones adm. de Bonis Non of James Hawkins and adm. of Susanna Clagett complainants and Francis Tedlen and others John L. Jones and others defendants 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 anything 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 Honourable Theodorick Bland, Esquire Chancellor this 21st. day of June Anno Domini (Seal) 1839 -

Ramsay Waters, Regr. in Cy. Cur.

Commissioner's Oath: You Alexander Kilgour and John Brewer 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 hereto 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 the said parties - So help you God - Sworn to before -

Arnold I. Winslow -

Clerk's oath: You Robert W. Willet, 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 named in the commission hereunto annexed as far forth as you are directed and employed by the said commissioners to take write down and transcribe the said depositions or any of them - So help you God.

Alexander Kilgour, John Brewer -

The execution of this commission appears by certain schedules to this commission. Given under our hands and seals this 9th day of January 1840 -

Alexander I. Kilgour (Seal)

John Brewer (Seal)

Joseph H. Jones adr. de bo. non of James Hawkins and adm. of Susannah Clagett -
vs.
Francis Tedlin John L. Jones and others -

In the High Court of Chancery Maryland - Interrogatories propounded by the defendants to William H. Piles a witness of lawful age and produced and sworn on the part of the defendants - 1st. Were