issue to such person or persons as shall be named by the complainant to take testimony to support the allegations of the bill.

John Johnson Chr

And thereupon a Commission Exparte was accordingly issued in pursuance of the said Interlocutory Decree to the standing Commissioners for Anne Arundel County.

And afterwards at the same Term came the Complainant aforesaid by his Solicitor aforesaid and filed in the said cause his petition in the words following Towit.

John B Welhelm vs Stephen L Lee & others } In Chancery

The Complainant respectfully represent that Vachel A Elliott one of the defendants in this cause is an important and material witness whose testimony the Complainant desires to take under a commission which has been issued to take testimony in Anne Arundel County. He therefore prays your Honor to pass an order authorising him to examine and take the testimony of the said Elliott under the Commission aforesaid and as in duty &c.

B J B Worthington for Compt.

And thereupon the Chancellor passed the following order.

In Chancery June 6th 1849.

Ordered that the Complainant have leave to examine the said Vached A Elliott as prayed subject to all just exception.

John Johnson Chr

And afterwards at the same Term the Commissioners aforesaid made return of their said Commission with their proceedings under the same in the words following Towit.

Maryland Sc. The State of Maryland To Johathan Pinkney and Francis H Stockett of the City of Annapolis Greeting. Know that we have appointed you to be our Commissioner to examine evidences in a cause depending in our High Court of Chancery between John B Welhelm Admr of John Welhelm Complainant and Stephen L Lee, Vachel A Elliott and other 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 evidences as shall be named and produced to you by the plaintiff 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 Compltor his 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 this our Commission Close under your hand and seal to us in our High Court of Chancery with all Convenient speed. Witness the Honorable John Johnson Esquire Chancellor this 4th day of June Anno Domini 1849.

Test. Louis Gassaway Reg Cur Can

Seal

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 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.

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 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.

John B Welhelm Admr of John Welhelm vs Stephen L Lee and others } In Chancery

Complainants Interrogatories

1st Are you acquainted with the hand writing of Stephen L Lee one of the defendants in this cause Look at the paper now shewn you referred to in the Complainants bill as Exhibit J. B. W. No 3 and State whether the Signature of Stephen L Lee in execution of said mortgage (as it purport to be) is the hand writing of said Lee.

2d Look at the paper now shewn you referred to in said bill as Complainants Exhibit J. B. W. No 2 and purporting to be a Single bill executed by the said Lee and state whether the signature thereto is in the hand writing of said Lee.

3d State whether or no the mortgage referred to in the said single bill in further security of the debt therein mentioned is the mortgage mentioned in the second Interrogatory as exhibit J. B. W. No 3

4 Has Elizabeth Anne Lee one of the mortgagees in the mortgage above mentioned married since the date thereof and state the name of her husband.

5th Are the signatures of the said Elizabeth Anne and her husband to the writing endorsed upon the said mortgage deed in their hand writing and was the said mortgage assigned and delivered over to Elijah Yealdhall for valuable Consideration as said writing purport.

6th Look at the same paper and State whether the writing purporting to be an assignment and transfer of all his interest in said mortgage was signed by said yealdhall and whether the same was transferred and delivered over to John Welhelm the Complainants intestate for valuable Consideration as is therein stated.

7th Did or did not the single bill before referred to as exhibit J. B. W. No 2 accompanying the several assignments mentioned in the foregoing interrogatories and was not the same intended to specify the amount of the mortgage debt thus assigned and transferred.

8th Is John Welhelm the Complainants intestate living or dead and if dead at what time did he die.