December Term 1851.

Sworn before Richard H. Mitchell J.P.

Whereupon the following order was passed by the Court, here to wit.

Leonard Marbury vs Nicholas Stonestreet } In Charles County Court Sitting as a Court of Equity. Ordered by the Court that the Clerk pay over to Nicholas Stonestreet the Trustee in this case the monies deposited in his hands by Leonard Marbury under the order of this Court. February 24th 1849.

Peter W. Crain.

On the back of the above order is the following receipt to wit "Received this 26th February 1849 of Walter Mitchell Clerk of Charles County Court his Check on the Bank of Baltimore for Two Thousand one hundred and twenty two dollars and two cents, the amount deposited in said Clerks hands by Leonard Marbury.

N. Stonestreet Trustee.

Whereupon further process of and upon the premises aforesaid between the parties aforesaid by consent of the said parties by their solicitors aforesaid and by order of the Court here thereon is further continued until the third Tuesday of May next. At which mentioned third tuesday of May being the fifteenth day of the same month in the year of our Lord one thousand Eight hundred and forty nine come again into Charles County Court, here as a Court of Equity the said Complainant by his solicitor aforesaid and the said defendant by his own proper person. And the said defendant in his own proper person prayed the Court to dissolve the injunction heretofore granted in this cause, which prayed the Court refused to grant. Whereupon the said Complainant by his solicitor aforesaid, and the said defendant filed in Court here the following agreement to wit.

Leonard Marbury & Nicholas Stonestreet Trustee of the Real Estate of J. B. Pye } May Term 1849. Equity. We agree in this case that commission to take Testimony issue to James McCormick.

George Brent, for Complainant

N. Stonestreet

Annexed to the above agreement, is the following Order to wit.

"Charles County Court. Sitting in Equity: Ordered by the Court this 15th of May 1849. that Commission as above agreed upon between the parties issue to James McCormick to take testimony in the above case.

Peter W. Crain

Which said commission accordingly issued in the words and of the tenor following to wit.

Charles County Set. The State of Maryland to James McCormick of Charles County. Greeting. Be it known that you are appointed commissioner to examine evidences in a cause depending in Charles County Court as a Court of Equity, wherein Leonard Marbury is the Complainant and Nicholas Stonestreet is the defendant, therefore you are hereby requested, having taken the oath hereunto annexed, and also administered the annexed oath to the person whom you shall appoint 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 witness and witnesses as shall be named or produced to you by either the plaintiff or respondent, and that you examine them upon their corporal oaths to be by you administered on 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 said 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 Commission closed under your hand & seal to the said Court with all convenient speed. Witness the Honorable Alexander C. Magruder Chief Judge of the first Judicial District of the State of Maryland

December Term 1851.

This sixteenth day of May Anno Domini 1849. Issued the 19th day of May 1849.

W. Mitchell Clerk

Commissioners Oath. You shall according to the best of your skill and knowledge truly faithfully and without partiality or prejudice to any or either of the parties take the examinations of all and every witness and witnesses produced before and examined by virtue of this Commission hereunto annexed upon the interrogatories now or which may be hereafter produced to and left with you. So help you God.

Clerk's 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 witness and witnesses produced before 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 down write and transcribe the same. So help you God.

Whereupon further process of and upon the premises aforesaid between the parties aforesaid, by consent of the said parties by their solicitors aforesaid and by order of the Court, here thereon is further continued until the third Monday of July next.

At which mentioned third Monday of July being the sixteenth day of the same month in the year of our Lord one thousand Eight hundred and forty nine come again into the County Court here as a Court of Equity the said Complainant by his solicitor aforesaid and the said defendant in his own proper person and the said Commissioner to whom the said aforegoing Commission was in form aforesaid directed not having made return thereof.

Whereupon further process of and upon the premises aforesaid between the parties aforesaid, by consent of the said parties by their solicitors aforesaid, and by order of the Court here thereon is further continued until the third Monday of November next.

And which mentioned third Monday of November being the nineteenth day of the same month in the year of our Lord one thousand eight hundred and forty nine, come again into the County Court here as a Court of Equity as well the said Complainant by his solicitor aforesaid as the said defendant in his own proper person, and the said Commissioner to whom the said aforegoing commission was in form aforesaid directed made return thereof to the Court here with all the testimony and the interrogatories eliciting the same are as follows to wit. At the execution of the Commission issued out of Charles County Court as a Court of Equity issued the Nineteenth day of May in the year of Our Lord Eighteen hundred and forty nine. directed to James McCormick of Charles County empowering him to examine evidence, in a cause depending in said Court, between Leonard Marbury. Complainant, and Nicholas Stonestreet respondent. I. the said Commissioner in the said commission named having met on the fourteenth day of July 1849 in Port Tobacco in Charles County aforesaid pursuant to notice, and taken the oath of of the commissioner to the said commission annexed and having appointed, Richard H. Mitchell Clerk, who having taken the oath as Clerk. also to the said commission annexed proceeded to take the following depositions to wit.

James L. Brawner a witness ~~a witness~~ produced by Complainant being duly sworn deposes and saith.

Int. 1st. Do you or not know Messrs Leonard Marbury and Nicholas Stonestreet parties to this suit?

Answer I do.

Int. 2nd. Were you or not requested to survey a tract of land commonly called Glymont and upon which the late James B. Pye resided if yea. State by whom?