Otho Scott advanced the money specified in said mortgage at various times considerably before the said mortgage was executed and that it was agreed between the said Scott and these defendants that a mortgage should be executed whenever he desired the same to be done. These defendants further answering say that they admit that the said Scott did pay to Samuel H. Buckhead the purchase money from one half of said land and did take an assignment from said Buckhead of the decree he had obtained for said purchased money. They further state that the said mortgaged premises are of great value and they hope to be able to pay the said mortgage debt without a sale of said premises under a decree of your Honors. Whereupon they pray to be dismissed and so forth.

Wm. P. Bond Solr. for Defts

I agree to receive the within answer without oath.

Otho Scott

And afterwards to wit at the same term came the Complainant aforesaid by his Solicitor aforesaid and caused to be entered on the Docket of the Court a General Replication to the answers of the defendants filed in the said cause. And at the same time a Commission was issued to the standing commissioners for Harford County to take Testimony in the said cause. And the said cause thus standing was continued from Term to Term until December Term 1851 at which Term Samuel Robinson one of the standing commissioners for Harford County made return of the said Commission with his proceedings under the same in the words following to wit:

Maryland set: The State of Maryland. To Warren L. Nichols and Samuel Robinson of Harford County, Greeting. Know that we have appointed you to be our Commissioner to examine witnesses in a cause depending in our High Court of Chancery between Otho Scott, Complainant, and James Reardon and Eliza his wife and John Johns 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 Gospels 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 attorneys 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 closed under your Hands and Seals to us in our High Court of Chancery with all convenient speed. Witness the Honorable John Johnson Esquire Chancellor this 24th day of May, Anno Dominis 1850.

(Seal) Test. Louis Gassaway Reg. Cur. Cur.

Commissioner's 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.

Sworn before. William Gordon.

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 the 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 Commissioners to take write down and transcribe the said depositions or any of them so help you God.

Sworn before. Saml. Robinson Commissioner.

Otho Scott vs. James Reardon and others. — In Chancery. Interrogatories to be put to Samuel H. Buckhead a witness on the part of the Complainant.

1st. Do you know the parties to this suit; if yea, how long have you known them.

2d. Where did James Reardon and his wife reside in the latter part of the year 1838 and the year 1839?

Lastly. Do you know any other matter or thing that would be advantageous to Complainant if yea, State the same.

Otho Scott

Otho Scott vs. James Reardon Eliza Reardon and John Johns. — In the High Court of Chancery. To the Honorable the Chancellor of Maryland. At the execution of the annexed Commission issued out of the High Court of Chancery and to me directed and empowering me to examine witnesses in the above cause depending in said Court. I Samuel Robinson Commr. therein named having met on the 27th day of December 1851 at the office of Wm. Gordon in Bel Air and taken the oath annexed to the said Commission and having appointed William Galloway my clerk and administered to him the oath annexed to said Commission to be taken by him, did proceed then and there to take the following depositions to wit: Samuel H. Buckhead, a witness produced on the part of the Complainant being duly sworn and examined to Interrogatories filed with the Commissioner by the Complainant and herewith returned deposes and says.

To the first Interrogatory – Knows, and has known all the parties intimately for many years, except John Johns.

To the Second Interrogatory – Knows that in the year 1838. James Reardon removed with his family to Harford County where they had previously resided and has continued to reside on his farm in Harford County ever since from some time in the year 1838 till the present time, and of course resided on said farm in said County during the year 1839. To the 3d and last Inter: says that he is not aware that he knows any thing else except that he assigned to Otho Scott the decree he had against said Reardon for the purchase money of part of said land in controversy in this case. The Complainant also filed with the Commissioner a copy of the decree in the case of Samuel H. Buckhead vs. James Reardon marked Complainants Exhibit A. and herewith returned and also filed an extract of a deed from Samuel H. Buckhead and wife to James Reardon marked Complainants Exhibit B which is also returned. There being no other witness to be examined the Commissioner closed the said commission, and herewith returns the same under his hand and seal this 27th day of December 1851.

Saml. Robinson (Seal)

Complainants Exhibit A.

Samuel H. Buckhead vs. James Reardon. — In Chancery. December Term 1838. This cause standing ready for hearing and being submitted the bill answer agreement