month in the year of our Lord one thousand eight hundred and fifty four, comes again into the said Court here, the said Complainant, and his Solicitor aforesaid, and the Judge of the Circuit Court for Frederick County aforesaid, sitting as a Court of Equity, and the Sheriff of Frederick County aforesaid, to whom the said subpoena, was in form aforesaid directed make return thereof to the said Court, thereon in form following, to wit; "Summoned" J. E. Orsal Sheriff" Thereupon the said cause was by consent of the Complainant and his Solicitor and by order of the Court here thereon, continued until the first Monday of July next At which said First Monday of July, and third day of the same month in the year of our Lord, one thousand eight hundred and fifty four, comes again into the said Court here, the said Complainant and his Solicitor aforesaid and the Judge of the Circuit Court for Frederick County aforesaid, sitting as a Court of Equity; and the said Complainant aforesaid by his said Solicitor, filed in Court the following Interlocutory Decree to wit:

"Interlocutory Decree"

John S. Castle vs William Table of Lewis } No 2589 Equity.

The Defendant having been duly summoned to appear to the bill of Complaint in this case, and having failed to appear thereto

It is upon this twenty sixth day of August eighteen hundred and fifty four, adjudged ordered and decreed, by the authority of this Court, that the Complainant is entitled to relief in the premises — but inasmuch as it does not certainly appear to what relief he is entitled it is therefor further ordered, adjudged and decreed that a Commission issue to Robert Nelson Jr. to take testimony to support the allegations in the bill

R. Nelson

Thereupon further process of and upon the premises aforesaid, by consent of the said Complainant, and his Solicitor aforesaid and by order of the Court here thereon, is further continued from Term to Term of the said Court, until the second Monday of February in the year of our Lord, one thousand eight hundred and fifty five — At which said second Monday of February, and third day of the same month, in the year of our Lord one thousand eight hundred and fifty five comes again into the said Court here, the said Complainant and his Solicitor aforesaid, and the Judge of the Circuit Court for Frederick County aforesaid, sitting as a Court of Equity — and the said Complainant, by his said Solicitor filed in Court here, the following revocation, to wit:

"Castle's order of revocation"

On motion of the Solicitor of Complainant it is this seventh day of February, eighteen hundred and fifty five, ordered that the Commission heretofore issued to R. Nelson Jr. to take testimony under the above decree be and the same is hereby revoked and that a Commission issue to George H. Shellman to take

testimony to support the allegations in the Bill of Complaint in this cause.

R. Nelson

Whereupon, in accordance with the said order, the following commission was issued, to wit:

"Commission"

Maryland. Set: The State of Maryland. To George H. Shellman Esq. of Frederick County, Greeting:

{Seal} Be it known that you are appointed Commissioner to examine witnesses in a cause depending in the Circuit Court for Frederick County, as a Court of Equity between John S. Castle, Complainant and William Table of Lewis Defendant. You are therefore required (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 Complainant or Defendant; and that you examine them on their respective oaths to be by you administered upon the Holy Evangels of Almighty God touching their knowledge or remembrance of anything that may relate to the cause aforesaid and that you cause notice thereof to be given to the parties or their attorneys of the execution of the 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, close under your hand and seal, into the Court as a Court of Equity, with all convenient speed. Witness the Honorable Madison Nelson judge of our said Court, the twelfth day of February Anno Domini, eighteen hundred & fifty five.

Issued the seventeenth day of February, Anno Domini eighteen hundred and fifty five.

Edward Shriver, Clerk.

"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 sworn, or which may hereafter, before the said Commission is closed, be produced to and left with you, by either of said parties, So help you God.

M. Baltzell

Thereupon afterwards to wit; on the 19th day of February 1855, was returned to and filed amongst the proceedings of the cause aforesaid, by the said commissioner in said Commission named the following testimony, to wit