A. Caslle, Complainant, and William Tabler 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 corporal oaths, to be by you administered upon the Holy Evangelys of Almighty God, touching their knowledge or remembrance of any thing that they may state to the cause aforesaid: and that you cause notice 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, unto the Court as a Court of Equity, with all convenient speed. Witness the Honorable Madison Nelson, Judge of our said Court, the Third day of January Anno Domini, 1859. Issued the seventh day of January 1859

B. F. Fitzpatrick Clerk

Mandey.

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 hereunto 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 said parties so help you God.

Wm. Mahoney

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 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, write down, and transcribe the said depositions or any of them, So help you God.

Sworn before G. Eichelberger {Seal}
Commr.

Thereupon the said cause was further continued, by consent of the said Complainant, and Defendant, and their Solicitors aforesaid, and by order of the Court here thereon, from Term to Term until the First Monday of July next, in the year of our Lord, one thousand, eight hundred and fifty nine. At which said First Monday of July, and Fourth day of the same month in the year of our Lord, one thousand eight hundred and fifty nine, comes again into the Court here, the said Complainant, and

Defendant, and their said Solicitors, and the Judge of the Circuit Court, for Frederick County, aforesaid, sitting as a Court of Equity, and the said Complainant by his Solicitor aforesaid, files in Court here, the Petition, and the order of the Court thereon, as follows, to wit

(Petition & Courts order)

John A. Castle vs. Wm. Tabler of Lewis } No 2539 In the Circuit Court for Frederick County, sitting in Equity. The Petition of the Complainant respectfully shews that a Commission to take testimony in this cause was issued on the Seventh day of January last, and that both parties have taken testimony under said Commission, and that the said cause has been pending for a very long period of time and that it is of great importance to your Petitioner that the same shall be returned and the said cause brought to a hearing as soon as may be convenient, with a view to the rights of all the parties. He therefore prays your Honor to order said commission to be returned by such a day as may afford to the Respondent a reasonable opportunity to take further testimony if he shall desire to do so and he will pray &c

Wm. P. Maulsby
Sol. for Compl't

Ordered this seventeenth day of August, eighteen hundred and fifty nine, that the Commission to take testimony in No 2539 Equity, be returned to this Court by the Commissioner on or before the Twenty eighth day of September next, either party having liberty to take testimony before said day, provided a copy of this order be served on the Solicitor of the Defendant on or before the Twenty fifth day of August instant.

M. Nelson

A Copy whereof, as required by the order of the Court aforesaid was duly served, by the then Sheriff, of the County of Frederick aforesaid, within the time required therein, upon the said Solicitor for the Defendant to this cause, as appears by the copy of said order filed, and the return of the Sheriff thereon of Served on I. M. P. August 17th 1859. Jos. M. Roberts Shff's

Thereupon the said cause was further continued, by consent of the said Complainant, and Defendant, and their Solicitors aforesaid, and by order of the Court here thereon, from Term to Term until the First Monday of January next, eighteen hundred and sixty. At which said First Monday of January, and Second day of the same month, in the year of our Lord one thousand eight hundred and sixty; comes again into the Court here, the said Complainant, and Defendant, and the said Solicitors, and the Judge of the Circuit Court for Frederick County; aforesaid, sitting, as a Court of Equity; Thereupon, to wit; on the Twenty First day of January A. D. 1860