trustee to the Bill of Complaint of James Turner and others against him and they in Court exhibited a show.

That Charlotte Withers Edwin D. Withers Susan Withers Charles A. Withers Michael P. C. Withers and Lucinda his wife Christian Ehrman and Sophia C. Ehrman his wife named in the Bill of Complaint did by their three several Deeds of Trust duly recorded among the Land Records of Baltimore County aforesaid Conveyed Copies whereof under seal will be filed when required Convey to this respondent all their Estate and interest right and title in and to said real Estate of which James Carter late of Baltimore County died seized and possessed, In trust to sell the same and after the payment of certain Mortgage and lien incumbrances thereon referred to to divide the proceeds in manner therein specified.

That the deeds of trust above referred to embrace the interest of the grantors in the property devised to Margaret Park by the Will of said deceased and that there is a provision in said Deeds empowering this Respondent to appear and answer in any cause now pending or hereafter to be instituted by any other parties interested in said Estate and property to enforce a partition of the said property.

Your respondent admits the several matters and facts alleged in said Bill of Complaint to be true so far as he has knowledge of them and refers to the proceedings in partition in the case of Park and others vs Ehrman and others in this Honorable Court mentioned in said Bill of Complaint;

And this respondent Neither admitting nor denying the construction of the said Will contended for by Complainants in their Bill, submits the question to the sound judgment of the Court and will abide by and perform such Decree as the Court may pass in the premises for the partition of the Real Estate mentioned in said Bill among the several parties entitled thereto according to the respective interests.

Wm B Hill Solr for Respondent

And on the said day last named the said Complainants and Defendants by their Solicitors aforesaid filed in Court here the following agreement to Wit

James Turner and others vs Withers and Tuttle and others

In the Circuit Court for Baltimore County

We hereby consent that testimony in this cause may be taken by the Complainant before Frederick Stallings Esqr as Commissioner

Jos Jos for Complts
Geo Tuttle
Guardian for Infant Defts
Brown & Brune Solrs for
Adult defendants
Wm S Walters for Complts.

And the said Complainants by their Solicitor aforesaid filed in Court here the following Order for Commission to take testimony

Baltimore Jany 29, 1862

Mr Carman. Please issue Commission in the case of Turner and others vs Withers and others to Frederick Stallings Esq and send Commission to him,

Yours truly. Wm S Walters Solr for Compts.

Whereupon a Commission to take testimony was accordingly issued to Frederick Stallings Esquire in the following Wit

The State of Maryland

To Frederick Stallings Esq of Baltimore City Commissioner named in the part of the Complainants and Defendants

Greeting: Whereas you are appointed Commissioner to examine Witnesses in a cause depending in the Circuit Court for Baltimore County on the Equity side thereof between James Turner and Alfred Jas C. Harris and wife Jas E. Turner Sr and Jas C. Turner Jr Mr Mr Martha B and Mary J. Turner Jas J and Thomas A. Rice Albert Crook and wife and others Complainants and Charlotte Withers Susan Withers Edwin Withers Charlotte A. Withers Rebecca Ann James Anderson and Ann his wife George M and John Tuttle Jr George and Mary E. Anderson Carter Ann M and Clara H. Tuttle and Georgetta Tuttle Infants Christian Ehrman and wife and others Defendants. Therefore you are requested, after having 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 having first given Notice to their respective parties or their Solicitors you cause to come before you all such Witnesses as shall be named or produced to you by either the Complainants or Defendants and that you examine them upon their Corporal Oaths to be by you administered on the Holy Evangelists of Almighty God touching their knowledge or remembrance of any thing that may relate to the cause aforesaid, 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 and seal to the Judge of the said Circuit Court, with all convenient speed.

Witness The Honorable John H. Stewart Judge of our said Circuit Court the 23 day of December in the year 1861.

Geo H. Carman Clerk

Issued the 30 day of January 1862.

W S Walters & Jarrettsville for Complainants,
Brown & Brune Solrs for Respondents

And afterwards to Wit on the 19 day of March in the year last aforesaid the Commissioner named in the aforegoing Commission made return of the said Commission to the Court here together with his proceedings under and in pursuance thereof which proceedings are in the words and of the tenor following to Wit

Commissioners Oath

You shall according to the best of your skill and judgment 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 be for the said Commission is and be produced to and left with you by either of the parties.

So help you God.

The above Oath was administered by me a Justice of the Peace of