Provided a copy of this order be served on the opposite party in defendant on or
before the 25th day of December next

Wm Geo Webb.

On the Back whereof is thus endorsed "Served admitted 23d December
1859.

Wm Schley Sol for Defendants

And afterwards to Wit on the 5th day of December in the year last aforesaid the
said Complainant by his Solicitor aforesaid filed in said cause the following Petition
to Wit

Dwyer
vs
Cunningham

In the Circuit Court of Balt City
The petition of the Dwyer Complainant Humbly prays that
the time for the return of the Commission with above cause
issued and by the order of this Court remanded to the instance of the Defendants
returnable on or before the 20th day of Dec will be extended by the order of the Court
until the 10th day of December inst to enable the Complainant to take further
testimony as under the aforesaid order he is permitted to do.

R S Matthews Sol for Compt

Which being read and heard the Court passed the following Order to Wit
Dec 5th 1859 This ordered by the Court on the foregoing petition that the
time for the return of the Commission remanded as set forth above be extended
until the 10th inst

Wm Geo Webb.

And afterwards to Wit on the 10th day of December in the year last aforesaid
the following Petition was filed in said cause to Wit

John Dwyer
vs
Thomas A Cunningham Exr
of Abigail Cunningham dec'd
John W Wright and Abbie
E Wright Exrs & Susan
E Cunningham

In the Circuit Court for Baltimore City
To the Honorable William Gwinn Webb Judge of
the Superior Court of Baltimore City
The petition of John W Wright and Abbie E.
Wright Exrs Wife and Susan E Cunningham
defendants in the above cause Respectfully

represent to your Honor that in the pleadings in this cause a material
inquiry arises as to the Read and actual Consideration which passed from the late
Abigail Cunningham to the Defendant Thomas A Cunningham to said
Abigail Cunningham Copies of which are filed as Exhibits of said Bill
and that the testimony of their Co defendant Thomas A Cunningham is as
they are informed and believe Material and proper to be made at this stage
And they respectfully suggest that as he is a Co defendant and they cannot
examine him as a Witness in their behalf without the order of this Court
first had and obtained therefor your petitioners pray leave to examine said
Witness on their behalf with the usual and legal exceptions to the
admissibility and effect of said testimony when taken. And these petitioners
further state that this application is not intended for delay.

Wm Schley for Petitioners

Leave admitted Assuming despensed with and all exceptions as to the Competency
and admissibility of this testimony reserved,

Dec 10th 1859.

R Stockett Matthews Sol for Compt

Which being read and heard the Court passed the following Order to Wit

In the Circuit Court for Baltimore City.

December 10th 1859

On Consideration of the within petition it is ordered that the petitioners by their Solicitor examine
their Co defendant the said Thomas A Cunningham as a Witness in their behalf upon
all and singular the Interrogatories filed in this cause and that a Commission issue under the Seal of
this Court directed to Alexander Armstrong Esquire of Baltimore City for the examination of the said
Thomas A Cunningham as a Witness in the premises and that the said Commission be returned
by a week day the Commission is to be returned By Counsel & ordered that the cause is set
down for hearing on the 10th day of January Next, the Commission and Caveat
to be returned as aforesaid to be Consented at the hearing as a part of the proceedings
in the cause.

Wm Geo Webb.

And the said cause is standing over continued until the second Monday in January
Next next Aforesaid & second Monday of January to Wit in the year of our Lord
1860 come again into Court here the said parties aforesaid by their Solicitors aforesaid
And afterwards to Wit on the 24th day of February in the year last aforesaid
Frederick Partridge Esquire to whom the Commission aforesaid was remanded
made return of the same to the Court here together with his further proceedings
thereunder which are in the words and of the tenor following to Wit

The State of Maryland To Frederick Partridge Esquire Commissioner named
on the part of the Complainant and Defendant Whereas it is agreed that you are appointed
Commissioner to examine Witnesses in a cause depending in the Circuit Court
for Baltimore City between John Dwyer Complainant and Thomas A Cunningham
and Thomas A Cunningham Executor Samuel R Sexton Edward Mitchell
James Neale Joseph Cummins Robert Cornthwaite Susan Cunningham
Abbie E Wright and John W Wright Defendants Whereas you are required
after having taken the oath hereunto annexed and also administered to the witness
with to the person whom you shall appoint as Clerk to attend the execution of
this Commission Due Notice to the respective parties or their Solicitors you
were to come before you all such Witnesses as should be named or produced by or
by the Complainant or Defendant and duly to 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 matters aforesaid and having reduced the depositions of the Witnesses so
taken by you into Writing you send the same with this Commission duly under
your hand and seal to the Judge of the said Court, with all convenient speed
Witness the Honorable William Gwinn Webb Judge of our said Court the 14th day
of March 1859. Issued the 23 day of March 1859.

Wesley Thomas Complainants Solicitor
Carson Schley and Reaguny Defendants Solicitors
Wm H Turner Clk

Commissioners Oath.

You shall according to the best of your Skill and Knowledge duly and diligently
without Partiality to any or either of these parties take the examinations
and depositions of each 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 Commissioner is
closed be annexed to and left with you by either of the parties So help you
God, Which oath was returned in Open Court here on the Holy
Evangely of Almighty God on this 24 day of March in the year of our