With costs as against the said Pearson Wm B Pearson

Thereafter and on the said 28th day of July A.D. 1864 was issued out of the Court here the following Commission to take testimony to the respective Commissioner of said Court thereon to wit as follows.

Maryland, ss The State of Maryland to William B Pearson and Robert Wilson Esquire of Frederick County Greeting.

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 Lycurgus N Phillips Executor of the last will of Noah Phillips dec'd Complainant and Charles Wolfe and others defendants 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 and such witnesses as shall be named and produced to you by either the Complainant or defendants and that you examine them on their respective 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 commit 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 in that behalf convened shall direct.

Witness the Honorable Madison Nelson Judge of our said Court 4th day of July A.D. 1864.

Issued the 28 day of July 1864. Jos D W Carty Clerk

You shall according to the best of your skill and knowledge truly fairly and without partiality to any or either of the parties take the examination and depositions of all and every the 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

You shall truly fairly and without partiality to any or either of the parties in this cause take write down and transcribe the depositions of all and every 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 deposition or any of them So help you God

And on the day last aforesaid to wit the 28 day of July A.D. 1864 was filed in the said cause the following order of the Court to wit.

Lycurgus N Phillips Executor of the last will of Noah Phillips deceased
vs
Charles Wolfe and others

No 3131 Equity

In the Circuit Court for Frederick County in Equity

Upon motion of Wm T Ross Solicitor for Complainant

Ordered that the Complainant have leave to examine Isaac Wright one of the defendants upon interrogatories to be filed with the Commissioner in this cause subject to all exceptions at the hearing.

July 28th 1864 Wm Pearson

At the same Term and on the day thereafter was also filed in the said cause the following Interrogatories to wit.

Lycurgus N Phillips Executor of the last will of Noah Phillips dec'd
vs
Charles Wolfe John Shunk and Rebecca Shunk his wife Samuel Wolfe Elizabeth Sulzer Isaac Wright and Mary Wright his wife Ephraim Repp and Susan Repp his wife Joseph Wolfe Daniel Wolfe John M Wolfe Margaret Wolfe and Isaac E Pearson

No 3131 Equity

In the Circuit Court for Frederick County.

Interrogatories to be administered to the Witnesses produced and sworn on the part of the Complainant in this cause.

Do you or do you not know the parties Complainant and defendants in the title of these interrogatories or any or which of them and if you state so you know or have heard.

Look at the papers now shown you marked Exhibit No 1 No 2 No 3 and 4 say do you or do you not know the signature attached to said Notes of you state by whom and to whom said Mortgage was executed and of by mortgagees Exhibit No 5 a copy thereof. State fully all your knowledge herein. Did you or did you not execute the papers now shown you marked Exhibit No 5 What was the consideration to be paid by Abraham Wolfe and how much of the purchase money did he pay you state fully all your knowledge herein and state especially whether any part thereof was paid by Abraham Wolfe to Noah Phillips as Mortgagee

Look at the papers now shown you marked Exhibit No 7 and Exhibit No 8 Say do you or do you not know who surveyed the land described in Exhibit No 7 and in the release marked Exhibit No 8 of you state the consideration of the deed marked Exhibit No 7 and to whom it was paid and by whose direction and for what purpose State fully all your knowledge herein.

Were you or were you not agent for Abraham Wolfe in the sale of the property described in Exhibit No 6 if you to whom did you sell it and at what price and how much of the purchase money was paid to you as agent or to Abraham Wolfe himself State fully all your knowledge herein

Sixth you say in your answer to the last interrogatory that you as agent sold said land described in Exhibit No 6 to Isaac E Pearson for how much and what was the agreement between you and Pearson as to the mode and terms of payment and to whom or whose claim the purchase money should be applied State fully and particularly all your knowledge herein.

Seventh did you ever see Isaac E Pearson write or do you know his hand writing if you look at the paper now shown you marked Exhibit No 9 and state whether said writing and signature or any part thereof is in the hand writing of Isaac E Pearson one of the defendants in this cause State fully all your knowledge herein.

Eighth did you know Abraham Wolfe the grantee in Exhibit No 6 and the grantor in Exhibit No 7 if you so believing or dead of dead when did he