April Term 1866.

above cause within the degrees of consanguinity prohibited by law, and I am therefore disqualified from acting as Judge in the same.

Thomas Perry.

And afterwards to wit, on the 1st day of April in the year 1854 were filed in the cause here the following agreement, notification, appointment and qualification as follows to wit:

Jeremiah L. Townshend and others. vs George Smith Executor of John Hoye & others | In the Circuit Court for Allegany County as a Court of Equity No 840

Being apprised by the announcement of the Honorable Thomas Perry of his disqualification to act as Judge in the above cause, we hereby agree that Josiah H. Gordan, Esquire shall act as Judge in the said cause

Thomas Dercemon, Solicitor for Complamants.
J. M. Schley, for Defendants

March 28th 1854.

Jeremiah L. Townshend and others. vs George Smith, Exr of John Hoye, Mary Hoye et al | In the Circuit Court for Allegany County as a Court of Equity No 840

I hereby announce the fact that I am connected with Mary Hoye, one of the parties to the above cause within the degree of Consanguinity prohibited by law, and I am therefore disqualified from as acting as Judge in the same.

Thomas Perry

To the Hon. M. Nelson, Frederick Md.

Sir under the above announcement I am required to notify you of the fact therein stated in order that a proper person may be by you appointed to try said cause

In testimony whereof I hereto subscribe my name and affix the seal of the Circuit Court for Allegany County this 25th day of March 1854. H. Resley, Clk. (seal)

The above announcement and notice having been read & considered, I do hereby appoint Josiah H. Gorden, Esqr. of Allegany County to act as Judge in said cause this 29th day of March 1854.

M. Nelson.

I, J. H. Gorden do hereby swear I will try the cause between

April Term 1866.

the above parties without partiality or prejudice to the best of my ability. Sworn to in open Court

Test: H. Resley, clk.

And afterwards to wit: on the sixteenth day of May in the year last aforesaid the Court here passed the following order to wit:

Jeremiah L. Townshend & others vs George Smith, Executor of John Hoye et al | In the Circuit Court of Allegany County sitting as a Court of Chancery.

Whereas suppoena issued on a bill filed in this suit, against the defendants Daniel J. Hoye and Mary Hoye which has been duly returned served, and the said defendants having failed to appear & file their answer to the said bill. It is on the application of Complainants Solicitor. Adjudged, Ordered and Decreed, according to the act of Assembly in such case made and provided, that the Complainants right to be relieved in the premises, but because it is not known what relief they are entitled to, it is further ordered that a commission issue to John G. Dilley for the taking of Testimony to support the allegations of said bill.

May 13th 1854. J. H. Gordon.

And on the same day and year last aforesaid was filed in Court here the following agreement, to wit.

Jeremiah L. Townshend and others vs George Smith Executor of John Hoye & others. | In the Circuit Court for Allegany County as a Court of Equity No 840

We agree that a commission to take testimony in the above cause shall be issued to John G. Dilley, Esqr.

Thomas Dercemon, Sto for Complamants
J. M. Schley, For Defendants.

And thereupon issued commission to take testimony in form following, to wit:

Maryland, Allegany County, Sct.

The State of Maryland to John G. Dilley, Esquire of Allegany County, in the State of Maryland, Greeting: Be it Known that you are appointed Commissioner to examine witnesses in a cause depending in the Circuit Court for Allegany County as a Court of Equity between J. L. Townshend and others Plaintiffs, and George Smith Executor of John Hoye, dec^d and others, defendants:

(seal)

Therefore, you are requested, 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 or produced to you, by either the