The Subscriber being the Commissioner named in the annexed Commission hereby certifies that in execution of the powers thereby vested in me I did on the 10th day of February A.D. 1864 assign and appoint Joseph L. Carty of Frederick County Guardian to the infants named in the said Commission, and took the answer of the said infants by their said Guardian and under the oath of said Guardian by me administered to the petition in said Commission mentioned, which said answer with said Commission is herewith returned, Given under my hand and seal this 10th day of February A.D. 1864.—

R. G. McPherson (Seal)

The answer of Eli Jacob Hamilton, Julia Maria Hamilton, Lida Ann Hamilton and Georgianna Hamilton, infants under the age of twenty one years, by Joseph W. L. Carty their Guardian to the petition of Michael W. Fout, next friend &c in the Circuit Court for Frederick County sitting as a Court of Equity, exhibited — These defendants cannot admit any of the matters & things alleged in the said bill, and being infants of tender years submit their rights to the protection of this Court. —

J. W. L. Carty

Interrogatories

On this 10th day of February A.D. 1864 the above named Joseph W. L. Carty appeared before me the Commissioner, and made oath that the matters and things stated in the foregoing answer, are true to the best of his knowledge and belief. —

R. G. McPherson Comr (Seal)

Endorsed — The execution of the within Commission will appear by the papers enclosed. —

R. G. McPherson Comr (Seal)

Gen'l Replication

The petition of Michael W. Fout next friend of Eli J. Hamilton &c
"
Eli Jacob Hamilton and others

No 3144 Equity
In the Circuit Court for Frederick County in Equity.
To Jos. W. L. Carty Esq: Clerk,
Enter a general replication to the answers of the infants in this cause. —

Wm. J. & Chas. W. Ross
Solrs. for Petitioner

Order to issue Commission

The petition of Michael W. Fout next friend of Eli J. Hamilton &c al
"
Eli Jacob Hamilton
the petitioner —

No 3144 Equity —
In the Circuit Court for Frederick County in Equity.
To Jos. W. L. Carty Clerk —
Issue a Commission to Robert Wilson and Wm. B. Nelson Esq: to take testimony in this cause on part of

Wm. J. & Chas. W. Ross.
Solrs for Petitioner

Commission

Testimony

Maryland Set:

The State of Maryland To William B. Nelson and Robert Wilson Esqrs of Frederick County Greeting. Be it Known, that you are appointed Commissioners to examine witnesses in a cause depending in the Circuit Court for Frederick County as a Court of Equity, between Michael W. Fout, next friend of Eli Jacob Hamilton and others petitioners, and Eli Jacob Hamilton and others Respondents, 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 petitioner or respondents, 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 may relate to the cause aforesaid; and that you cause notice to be given to the parties or their attornies, 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