as husband of said Christina Sweeny now dec^d he is entitled to an estate for life as tenant by the Curtesy in said lands — and that he is willing and desirous that the said lands should be sold free from his Curtesy, he receiving the usual allowance allowed by the rules of the Court, out of the proceeds of sale of said real estate to tenants by Curtesy. —

This respondent also Claims a portion of said estate as alienee of Mary Sweeny one of the heirs of said Christina Sweeny by the deed a Copy of which is exhibited in said bill — This defendant consents that a decree may be passed by the Court for a sale of said real estate without this ff.

James Sweeny. —

Order to issue Ca^t to Apt Guardian

Thomas Smith and Francena Smith his wife vs James Sweeny Etal

No 3245 Equity.

In the Circuit Court for Frederick County in Equity

To J. W. L. Beatty Esqr Clerk of the Circuit Court for Frederick County in Equity. —

Issue a Commission in this Case to Robert G. McPherson Esqr to appoint Guardian to take the answer of William M. Sweeny the infant defendant. —

Wm. Ff Chew. Ass
Solr. for Complainants

Ca^t Replication

Commission

Order to issue Ca^t to take testimony

Commission

Maryland Sc — The State of Maryland To Robert G. McPherson Esqr of Frederick County, Greeting: — Whereas Thomas Smith and wife have lately exhibited their Bill of Complaint before me in the Circuit Court for Frederick County sitting as a Court of Equity, against William M. Sweeney and others, and whereas I have by my writ, lately Commanded the said defendants to appear before me in said Court as a Court of Equity, at a certain day now past to answer the said bill of Complaint but for as much as the said William M Sweeny is an infant under age and Cannot answer the said bill of Complaint nor defend this suit, without having a guardian assigned in that behalf — Know ye, therefore, that I have given unto you full power and authority in pursuance of the special order in said Court, to assign and appoint a guardian for the aforesaid infant, and to take the answer of the said infant by such guardian to the said bill of Complaint and therefore I Command you, that at such Certain day and place as you shall think fit you assign and appoint a guardian for the aforesaid infant and take the answer of the said infant, by such guardian, to the said bill of Complaint on such guardian's Corporal oath upon the Holy Evangely, to be administered by you, the said answers being distinctly and plainly wrote; and when you shall have taken the said answer you are to send the same Closed up under your seal, together with your Certificate of your having assigned and appointed such guardian as aforesaid, and this writ unto me in said Court. Witness the Hon Madison Nelson, Judge of said Court the 16th day of October Anno Domini 1865 — Issued the 30th day of December 1865. —

Test. J. W. L. Beatty Clerk.

Clos

No 3245 Equity. —

To the Hon Madison Nelson Judge of the Circuit Court for Frederick County sitting as a Court of Equity. — 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 first day of January Anno Domini 1866 assign and appoint Joseph W. L. Beatty of Frederick County Guardian to the infant named in the said Commission and took the answer of the said infant by his said Guardian, and under the oath of said Guardian by me administered to the Bill of Complaint in said Commission mentioned, which said answer with said Commission is herewith returned closed under my hand and seal this first day of January Anno Domini 1866. —

R. G. McPherson Com^r

The answer of William M. Sweeny an infant under the age of twenty one years by Joseph W. L. Beatty his Guardian to the Bill of Complaint of Thomas Smith and wife, against him in the Circuit Court for Frederick County sitting as a Court of Equity, exhibited. — This defendant