cannot admit any of the matters and things alleged in the said Bill and being an infant of tender years submits his rights to the protection of this Court.

Jos. W. L. Carty.

On this first day of January Anno Domini 1866, 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.

Endorsed. The Execution of the within Commission will appear by the papers Enclosed.

R. G. McPherson Comr.

Sent Replication

Thomas Smith and Francena Smith his wife
vs
James Sweeny Et al

No 3245 Equity.
In the Circuit Court for Frederick County in Equity.
To Jos W. L. Carty Esq. Clerk.
Enter general replication to the answer of the infant defendant.

Wm. J. & Chas. M. Ross
Solrs. for Complainants

Order to issue Comm. to take testimony

Thomas Smith and Francena Smith his wife
vs
James Sweeny Et al

No 3245 Equity.
In the Circuit Court for Frederick County in Equity.
To Jos W. L. Carty Esq. Clerk.
Issue a Commission to Wm B. Nelson and Robert Nelson Esqrs Commissioners to take testimony in the above cause.

Wm. J. & Chas. M. Ross
Solrs for Complainants

Commission

Maryland Sct. The State of Maryland to William B. Nelson and Robert Nelson Esqrs. of Frederick County Greeting, Be it known, That you are appointed Commissioners, to examine evidences in a cause depending in the Circuit Court for Frederick County, as a Court of Equity, between Thomas Smith and Francena Smith his wife, Complainants and James Sweeny, William Shaw 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 all such evidences as shall be named and produced to you, by either the Complainants or defendants, and that you examine them on their corporal oaths, to be by you administered upon the Holy Evangely 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, with this Commission, close under your hand and seal, unto the Court, unto the Court as a Court of Equity, with all convenient speed. Witness the Hon. Madison Nelson Judge of our said Court, the first day of January Anno Domini 1866. Issued the 8th day of January 1866.

Seal

Jos. W. L. Carty Clerk

Commissioner's Oath.

You shall according to the best of your skill and knowledge, truly, faithfully and without partiality to any or either of the parties, take the examinations and depositions of all 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 Commission is closed be produced to and left with you, by either of said parties. So help you God.

Clerk's Oath.

You shall truly, faithfully and without partiality to any or either of the parties in this Cause