Frederick County, sitting as a Court of Equity, against Elizabeth A. Benton Adm^x Samuel Morris Benton, Robert A. Benton and Morgan S. Benton Etal. 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 Samuel M. Robert A and Morgan S Benton are infants 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 infants, and to take the answer of the said infants by such Guardian to the said Bill of Complaint and therefore I command you that at such certain day & place as you shall think fit, you assign & appoint a Guardian for the aforesaid infants, & take the answers of the said infants, by such Guardian to the said Bill of Complaint on such Guardian's corporal oath upon the Holy Gangely, to be administered by you, the said answers being distinctly & plainly wrote, and when you shall have taken the said answers, you are to send the same closed up under your seal, together with your certificate of your having assigned & appointed such Guardian as aforesaid, and this writ, unto me in said Court. ~

Witness the Hon Madison Nelson Judge of said Court, the third day of July Anno Domini 1865,

Issued the 10th day of July 1865. ~

Test ~ Jos W. L. Carty Clerk

Cop.

No 3227 Equity.

To the Hon. Madison Nelson Judge of the Circuit Court for Frederick Co sitting as 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 tenth day of July A.D. 1865 ~ assign & appoint Jos W. L. Carty of Frederick County, Guardian to the infants named in the said Commission, & took the answer of the said infants by their 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 10th day of July Anno Domini 1865. ~

R. G. McPherson Com (Seal)

The answer of Samuel M. Benton, Robert A Benton and Morgan S Benton infants under the age of twenty one years by Jos. W. L. Carty their Guardian to the Bill of Complaint of John Gardner against them in the Circuit Court for Frederick County sitting as a Court of Equity, exhibited. These defendants cannot admit any of the matters and things alleged in the said bill, and being infants of tender years, submit their rights to the protection of this Court. ~

Jos W. L. Carty

On this tenth day of July Anno Domini 1865, 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 Com (Seal)

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

R. G. McPherson Com (Seal)

Gen^l Replication

John Gardner
vs
Elizabeth A Benton Etal

No 3227 Equity. ~
In the Circuit Court for Frederick County in Equity. ~
Test W. L. Carty Clerk.
Enter general replication to the answers of the infant defendants ~
Wm J. & Chas M. Ross
Solrs. for Complainant.

Order to issue Com^n to take testimony

John Gardner
vs
Elizabeth A Benton Adm^x Etal

No 3227 Equity. ~
In the Circuit Court for Frederick County in Equity. ~
Test W. L. Carty Cir. Clerk ~
Issue a Commission to ~