

Orecting. You are hereby commanded that all excuses at a part you personally appear before the Judge of the Circuit Court for Frederick County, sitting as a Court of Equity to be held at the Court House in Frederick-Town in and for said County on the Second Monday of February next to answer the Bill and Complaint of George A & James Beare, Petrs, against you in our said Court exhibited, and so forth. Hereof fail you not as you will answer the contrary at your peril.

Witness the Honorable Madison Nelson Judge of our said Court the 1<sup>st</sup> day of January 1866. Issued the 3<sup>rd</sup> day of January 1866.

To the Sheriff of Frederick County

Endorsed Edmund J. St. James Clk.

Filed Feb. 8. 1866.

Jos W. L. Carty  
Clerk.

Petition for  
Interlocutory  
Decree.

George A Beare & James Beare  
Executors of Wm Beare decd

vs.

H. S. Murphy and J. G. Lutticum

No 3273 Equity.

In the Circuit Court for Frederick  
County, as a Court of Equity.

To the Honorable the Judge of the Circuit  
Court for Frederick County as a Court of Equity.

Commission  
to take  
Testimony

The Petition of the Complainants respectfully shows that heretofore they filed in your Honorable Court their Bill of Complaint against the said H. S. Murphy & J. G. Lutticum in the above cause and that Subpoenas were issued as prayed in their said Bill commanding the said Horace S. Murphy & J. G. Lutticum to appear in this Court on the first Monday of January 1866 then and there to answer the said Bill of Complaint, that the said J. G. Lutticum was duly returned summoned as will fully appear by the Sheriff's endorsement on said Writ of Subpoena issued against him as aforesaid that the Subpoena first issued against the said Murphy was returned with the endorsement thereon by the Sheriff of "N. F.", that your Petitioners thereupon caused the said Writ to be renewed as against the said Murphy returnable upon the Second Monday of February 1866 which said Writ so renewed as aforesaid has been returned "summoned" as will also appear upon reference thereto.

Your Petitioners further state that notwithstanding the said H. S. Murphy has been duly summoned to appear as aforesaid he has failed to do so according to the exigency of said Writ and that the said J. G. Lutticum although he has appeared by counsel yet has failed to put in an answer to said Bill of Complaint. Your Petitioners therefore pray for the passage of an interlocutory decree in the usual way in such cases and that a Commission by parts be issued to one or more persons to take testimony to support the allegations of the Petitioners, said Bill of Complaint.

G. A. Beare  
per G. C.