

failed to appear and answer the Bill of Complainant - and the Defendants David H. Hillery and Matilda Hillery his wife Sarah Kern and Theodore H. Brashear and Amanda J. Brashear his wife having been duly summoned to appear to the Bill of Complainant and having failed thereto, It is thereupon this 21<sup>st</sup> day of March A.D. 1874 by the Circuit Court for Frederick County as a Court of Equity and by the authority thereof adjudged ordered and decreed that the Complainant is entitled to relief in the premises, but because it doth not certainly appear to what relief the Complainant is entitled it is further adjudged and ordered that a Commission issue to the standing Commissioners to take testimony to support the allegations of the Bill.

John A. Lyuels  
Judge of the Cir. Court.

Filed March 26. 1874.

Order to  
issue Com  
to appoint  
Guardian

Thomas P. Kern  
vs  
William H. Kern &  
wife et al

No. 3904 Equity.  
In the Circuit Court for Frederick County, in Equity.  
Thomas Gorsuch Esq. Clerk &c.


Please issue Commission to H. C. Keefer Esq. to appoint a Guardian for Reuben Kern, Mary or Minnie Kern Elizabeth Kern and Josephus P. Brown the infant resident Defendants in this cause and to take the answer of said infants by their said Guardians

C. P. Levy  
Solicitor for Complainant

Filed March 26. 1874.

Commission

State of Maryland &c.

 The State of Maryland to Harry C. Keefer of Frederick City Greeting. Whereas Thomas P. Kern has lately exhibited his Bill of Complainant before us in the Circuit Court for Frederick County sitting as a Court of Equity against William H. Kern & wife et al, and whereas we have by our writ lately commanded the said Defendants to appear before us in said Court as a Court of Equity at a certain day now past to answer the said Bill of Complainant but for as much as the said Reuben Kern Mary or Minnie Kern Elizabeth Kern and Josephus P. Brown are infants under age and cannot answer the said Bill of Complainant nor defend this suit without having a Guardian assigned in that behalf, know ye therefore that we 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 Complainant and therefore we command you that at such certain day and place as you shall think fit you 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 Complainant on such Guardian Corporal Oath upon the Holy Evangelists to be administered by you the said answer being distinctly and plainly written 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 and appointed such Guardian as aforesaid and this writ unto us in said Court.

Witness the Honorable Richard J. Bowie Chief Judge of said Court the 16<sup>th</sup> day of February Anno Domini 1874  
Issued the 26<sup>th</sup> day of March 1874.  
Filed March 26. 1874. Test: Thomas Gorsuch Clerk.