

1867 why the interlocutory decree heretofore passed in this case should not be rescinded as well as the proceedings thereunder and further time given to Defendants to file their answer to the Bill of Complaint provided a copy of the said Petition and this order be served on the Complainant or his Solicitor before the 12th day of July 1867.

Filed July 18. 1867.

M. Nelson

Order of Court

This Petition dismissed by the order and at the request of Defendants Solicitor 18th July 1867.

Filed July 18. 1867.

M. Nelson

Served upon F. Brengle Solicitor on the 10th July 1867.

Filed July 11. 1867.

W. B. Tabor, Sheriff.

Petition for Amendment &c

E. Albaugh vs James H. & Susannah E. Gaton

No. 3321 Equity To the Honorable Madison Nelson Judge of the Circuit Court of Frederick County, sitting as a Court of Equity.

The Petition of Ephraim Albaugh Complainant in the above case shows unto your Honor that Susannah E. Gaton widow of James H. Gaton decd. has given birth to a child, the offspring of James H. Gaton one of the Defendants in this case and your Complainant further shows that the aforesaid child - Gaton the offspring of James H. Gaton and Susannah E. Gaton is a non-resident infant and that the said infant resides at or near Leesburg Loudoun County Virginia and your Complainant prays that the Bill filed in this case may be amended so that the child - Gaton the offspring of James H. Gaton and Susannah E. Gaton be made a Defendant in in this case and your Complainant in this behalf further prays that a commission may be issued according to the act of Assembly in such case made and provided to Newton M. Henderson and Charles A. Fox residents of Loudoun County Virginia who reside near such infant authorizing them or either of them to appoint a Guardian to answer for such infant and take answer of such infant by the said Guardian.

Francis Brengle Solicitor for Complainant.

Filed July 12. 1867.

Order of Court

Ordered this 12th day of July - that - Gaton the child of James H. Gaton decd. and Susannah E. Gaton be made one of the parties Defendant in this case and that a Commission issue as prayed

Filed July 12. 1867.

M. Nelson

Petition & Answer of Francis Brengle

Ephraim Albaugh vs Jas. H. Gaton & Wife

No 3321 Equity. In Circuit Court for Frederick County To the Honorable Madison Nelson Judge.

Petition of Francis Brengle Solicitor for Complainant in this case in answer to the Petition of W. B. Galligan Solicitor for Defendants praying that the interlocutory Decree in this case be rescinded respectfully shows unto your Honor that the aforesaid petition is a proceeding unheard of in a Court of Justice unknown to the Law and foreign to the practice of your Honorable Court, and your Petitioner states

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