

That James H. Gatto and Susannah E. Gatto Defendants in this case were returned summoned by the Sheriff of Frederick County Oct 27 1867 and that the bill filed in this case was filed Oct. 23rd 1866 and that the appearance of Michael P. Gallagher was entered for the Defendants during the October Term otherwise your Petitioner would have been entitled to an interlocutory Decree during the January Term, and your Petitioner states that although proceedings were commenced so long ago he has been delayed by the persistent refusal of the Solicitor of the Defendants to answer that he was not able until obtaining the Commission to take testimony under the interlocutory decree aforesaid to get the testimony in; your Petitioner charges that this was done by the Solicitor for Defendants for no other cause known to your Petitioner except to delay, and your Petitioner further states that he has persistently refused to come to any understanding to stay proceedings until September 1867 and he further deposes that any such proposition was made by himself or was made to him by the Solicitor for the Defendants; and your Petitioner further because the said Michael P. Gallagher has not produced any agreement to stay proceedings in writing which is required by the rules of your Honorable Court prays that the Petition of the said Michael P. Gallagher be rejected.

Francis Brungle
Solicitor for Complainant.

Filed July 17. 1867.

State of Maryland Frederick County to wit:
On this 17th day of July 1867 before the subscriber a Justice of the Peace of the State of Maryland in and for Frederick County personally appeared Francis Brungle and made oath in due form of Law that the matters and facts stated in the foregoing Petition are true to the best of his knowledge and belief.

Sworn before
Filed July 17. 1867. James J. English J. P.

Commission
to appoint
Guardian

Maryland Jc.

The State of Maryland to Newton M. Henderson & Charles R. Hoy of Loudoun County Virginia, Greeting. Whereas Ephraim Albaugh has lately exhibited his amended bill before me in the Circuit Court for Frederick County sitting as a Court of Equity against Henry Ann Gatto child of James H. Gatto decd. & Susannah E. Gatto together making the said Henry Ann Gatto a party Defendant to the Original Bill filed in this case, 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 Henry Ann Gatto is a non-resident of the State of Maryland and an infant 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 infant and to take the answer of the said infant by such Guardian to



Ans
Aug

Gen
Rep