

Order of Court

Ordered this 17th September 1867 that the Defendant in the above cause have leave to file her answer
Filed Sept. 17. 1867. M. Nelson.

Order for hearing

Ephraim Albaugh } No. 3321 Equity.
vs } In the Circuit Court for Frederick County.
Susannah E. Gatton }
Ordered this 20th day of September A.D. 1867 that the above cause stand for hearing on the 30th day of September A. D. 1867 provided a copy of this order is served on the Complainant or his Solicitor on or before the 24th day of September A. D. 1867.
Filed Sept 20 1867. M. Nelson

Order for hearing

Ephraim Albaugh } No. 3321 Equity.
vs } In the Circuit Court for Frederick County.
Susannah E. Gatton }
Ordered this 30th day of September 1867 that the above cause stand for hearing on the 7th day of October 1867, provided a copy of this Order be served on the Complainant or his Solicitor on or before the 1st day of October 1867.
Filed Sept 30. 1867. M. Nelson

Decree

Ephraim Albaugh } No. 3321 Equity.
vs } In the Circuit Court for Frederick County, as
James A. Gatton & } a Court of Equity.
Susanna Gatton }
This is a creditors bill filed by the Complainant claiming an account against James H. Gatton deceased and prayer among other things for a sale of his property to pay the same, the Defendant Susannah Gatton wife of the deceased James H. Gatton in her answer denies the existence of the claim preferred by the Complainant and of course puts him upon the proof of the account, Mr Albaugh the Complainant is the only witness offered for that purpose and is offered by virtue of the Act of Assembly of 1864 Chap. 109 Sec. 2 under the provisions of that act Mr. Albaugh is an incompetent witness, Gatton being dead, there is no proof therefore to sustain the very foundation of the suit
It is thereupon this 22nd. day of November 1867 by the Circuit Court for Frederick County as a Court of Equity adjudged ordered and decreed that the bill in this case be and the same is hereby dismissed with costs.
Filed Nov. 22. 1867. M. Nelson

Prayer of Appeal

Ephraim Albaugh } No. 3321 Equity.
vs } In the Circuit Court for Frederick County, sitting
James H. Gatton & } in Equity.
Susannah E. Gatton }
To Charles Mants Clerk.
You will enter a prayer of appeal in this case and transmit a copy of the record to the Court of Appeals December 11. 1867.
Francis Brungle
Solicitor for Complainant.
Filed Dec. 11th 1867.