In this cause the Hon Daniel Weisel the present Judge of the said Circuit Court having been of Counsel for Complainant, or one of the Solicitors filing the bill of Complaint and thereby disqualified as Judge, and having directed an entry of said disqualification to be made, it is hereby Agreed that Alexander Neill Esquire be and he is hereby appointed Special Judge, to take Cognizance of and sit in this Cause, in the place and stead of the said regular Circuit Judge, upon due qualification as the law directs,

George Schley Solr for Complts
R M Mobley Solr for Defts.

February 19th 1862.

The following is the Petition and Order for parties.

Christian Eakle
vs
George W Smith and Edward M Mobley Shff.

No 1690 Equity,

In the Circuit Court for Washington County, as a Court of Equity,

To the Honorable The Judge of the Circuit Court for Washington County, sitting as a Court of Equity,

The petition of William Hammond, Caleb Eakle John Kendall, Executor of the last Will and testament of Christian Eakle, deceased William Hammond Caleb Eakle and Catharine Maysellis, the Wife of John Maysellis, devisees and legatees under the Will of Christian Eakle deceased respectfully shews,

That the said Christian Eakle, deceased, in his life time, on the 11th of March 1861 filed his bill of Complaint in the Circuit Court for Washington County sitting as a Court of Equity, the same being No 1690 on the docket of said Court, against a certain George W Smith and Edward M Mobley, Sheriff upon which said bill an injunction was Ordered by said Court, That since the filing of said bill to Wit, on or about the first day of June 1861, the said Christian Eakle, died having first made and executed a last Will and testament in writing, which was since the death of the said Christian, been duly admitted to probate by the Orphans Court for Washington County, a Copy whereof is herewith filed as parts hereof marked W. That your petitioners the said Hammond, Eakle and Kendall have had letters testamentary duly granted to them by said Court, and the other above named petitioners are devisees and legatees under the Will aforesaid That on the 21st day of February 1862, the above named Smith and Mobley, the defendants to said bill No 1690 filed their petition against your petitioners and others, praying that they may be made parties to, and required to prosecute said suit, and upon said petition, an Order was passed, directing a Subpoena to issue Commanding them and others to appear in said Court and be made parties to said suit and which said subpoena was served upon your petitioners,

Your petitioners therefore pray that they may be admitted as parties to prosecute their rights in said suit, in the stead of said deceased Complainant and as in &c,

George Schley Solicitor for Petitioners

By the Circuit Court for Washington County sitting as a Court of Equity,

Ordered, That the said William Hammond, Caleb Eakle, John Kendall Executors of Christian Eakle deceased and William Hammond Caleb Eakle and Catharine Maysellis, the Wife of John Maysellis, devisees and

legatees, under the last Will and testament of said Christian Eakle, deceased, be made parties Complainants to this suit as prayed,

June 6th 1862.

Alexander Neill, Special Judge.

The following is the Answer of George W Smith to the foregoing bill of Complaint.

William Hammond, Jacob Eakle, and John Kendall Exrs of Christian Eakle and others
vs.
George W Smith and Edward M Mobley Shff.

No 1690 Equity.

In the Circuit Court for Washington County as a Court of Equity

To the Honorable the Judge of the said Court, sitting in Equity, The separate answer of the said George W Smith, to the Bill of Complaint of Christian Eakle, who since the said bill in the said Court has departed this life; and the said William Hammond, Caleb Eakle and John Kendall, as Executors of the last Will and testament of the said Christian, deceased have become, together with others, parties to the said bill, and are now parties Complainants in the said cause,

This respondent, saving and reserving all right of exception to the said bill of Complaint, and to the subsequent proceedings thereon by which new parties are made as aforesaid, for the many errors, insufficiencies and insufficiencies thereon for answer to the said bill of Complaint and to the petition filed in the said cause, on the 6th day of June 1862 by the said executors of the said Christian Eakle, and others praying to be made parties Complainants to the said bill, says that he admits that the said Jacob Eakle made and executed to the said Christian Eakle, on or about the third day of August, in the year 1860, a deed for all the real and personal Estate of which the said Jacob Eakle was in any manner seized and possessed, or to any way entitled to, or at least, all such property and Estate as could be reached by execution and be made liable for the debts of the said Jacob; and that the said deed was, on the same day of its execution, filed in the Clerk's Office for record, and has been recorded and the Certified Copy thereof filed with the said bill of Complaint, as Exhibit A, is a true Copy of the said deed from the said Jacob to the said Christian Eakle,

But this Respondent utterly denies that the said Christian Eakle purchased of the said Jacob Eakle, the property mentioned and described in the said deed, for a good or valuable, and bona fide consideration as alleged, on the contrary this respondent avers that the said deed was concocted and procured by the fraudulent collusion and devices of and between the said Christian Eakle and the said Jacob Eakle, with the intent to delay, hinder, and defraud "this respondent, to whom as insolvent trustee of a certain Amos Eakle, the said Jacob Eakle was largely indebted, as hereinafter will be more fully set forth; and that the said Conveyance is "feigned Covenous and fraudulent" "and made" to the let and hindrance of the due course and execution of law, and to the over throw of all true and plain dealing"

And this respondent, in further Answer to the said Bill of Complaint States and avers that as trustee of the said Amos Eakle, an insolvent petitioner, as far back as the year 1854, he commenced Proceedings in Equity against the said Jacob Eakle, asserting and insisting upon a large demand as due from the said