Equity that a Commission issued to Geo. W. Smith Esq. authorizing and empowering him to appoint a Solicitor person as guardian to said infant defendants and to take the answers of said infant defendants to said bill of Revivor filed in this cause as aforesaid. Issued.

Washington County to wit: The State of Maryland to Geo. W. Smith Esq. Gentleman Greeting Whereas Andrew K. Sypester Trustee of Benjamin Cushwa deceased Complainant hath exhibited his bill of Complaint before the Circuit Court for Washington County sitting as a Court of Equity against Daniel Brewer Leah A. Cushwa and Ann K. Cushwa and others defendants And whereas said Court of by its writ of Subpoena commanded the said defendants to appear before said Circuit Court on a certain day in said writ to answer the said bill but for as much as the said Leah A. Cushwa and Ann K. Cushwa infants under the age of twenty one years and cannot answer the said bill nor defend this suit without a guardian assigned for them in this behalf. Know ye therefore that said Court upon mature consideration of the premises and confiding in your fidelity and integrity is pleased to appoint you Guardian for the said infants and to take the answer of the said infants by such guardian of the said bill. Therefore you are hereby commanded that at such certain day and place as you shall think fit you go to the said infants or they cannot conveniently come to you and 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 and such guardians so appointed and to be administered by you the said answer to be distinctly and fairly set down and when you shall have so taken the said answer you are to send the same to said Court closed up sealed under your hand and seal together with your Certificate of your having assigned and appointed such guardian as aforesaid, and this writ.

Witness the Hon. Isaac Nesbit Judge of our said Circuit Court the 2d day of November 1863.

Issued the 30th day of November 1863. Isaac Nesbit clk

Thereupon the said Geo. W. Smith Esq. the Commissioner aforesaid made return of the said foregoing Commission to the Court here endorsed as follows. The execution of the within Commission did appear by the annexed Schedule. Witness my hand and seal this 2d day of Decr 1863

Which said Schedule is as follows to wit. Geo. W. Smith Jr. Seal

The undersigned Commissioner reports to the Honorable the Circuit Court for Washington County as a Court of Equity that in obedience to the annexed Commission to him this day assigned and appointed Zach. Slagell as Guardian to the infants defendants in the said commission named did take and receive the answer of said defendants by said guardian on his Corporal oath which answer is herewith returned together with the said Commission closed under my hand and seal this 2d day of December in the year of our Lord 1863. Geo. W. Smith Jr. Comr Seal

Andrew K. Sypester Insolvent Trustee vs Daniel Brewer & Elizabeth his wife.

In the Circuit Court for Washington County sitting as a Court of Equity No 1216.

The joint and several answers of Leah A. Cushwa and Ann K. Cushwa infants under the age of twenty one years by Zachariah S. Slagell their Guardian and Solicitor to the Bill of Complaint and the Bill in the nature of a bill of revivor of Andrew K. Sypester Insolvent Trustee for the benefit of the creditors of Benjamin Cushwa late of Washington County deceased against them and others in the Circuit Court for Washington County sitting as a Court of Equity exhibited.

These defendants saving and reserving to themselves all and all manner of benefit and advantage of exception to the many errors uncertainties and other imperfections in the said Bill of revivor and bill in the nature of a Bill of revivor and being infants of tender years submit their rights to be protected by this Court. Zach. S. Slagell Guardian

(Stamp) Washington County to wit On this 2d day of December A.D. 1863 before me the subscriber a Commissioner personally appeared the above named Zach. S. Slagell Guardian and made oath in due form of law that the matters and things stated in the aforegoing answer are true to the best of his knowledge and belief.

Sworn before Geo. W. Smith Jr. Comr

Whereupon further proceedings in the premises aforesaid are continued until the first Monday

of March next. At which said first Monday of March being the 7th day of the said month in the year of 1864 came again into Court here the respective parties aforesaid by their Solicitors aforesaid and thereupon passed the Court passed the following order of Revivor to wit.

Andrew K. Sypester Insolvent Trustee of Benjamin Cushwa vs Daniel Brewer and wife and others. } No 1216 Equity In the Circuit Court for Washington County as a Court of Equity On Bill of Revivor

This cause having abated or become suspended by the death of William Mc Kee the former complainant whereupon the original bill of Complaint as insolvent Trustee of the said Benjamin Cushwa a bill of revivor or bill in the nature of a bill of revivor is exhibited by the said Andrew K. Sypester as insolvent Trustee of said Benjamin Cushwa against the said defendants and said defendants have filed an answer said bill of revivor. Whereupon on motion ordered in said cause it is ordered by the said Court for Washington County as a Court of Equity this 7th day of March in the year of our Lord 1864 that the said cause and the proceedings therein shall stand and be revived accordingly to the prayer of said bill of revivor filed as aforesaid, and that said cause proceed in due and regular course according to the practice of the Court. D. Weisel

Thereupon the following Agreement by Counsel to issued Commission to Wm. McKeppeer to take depositions filed to wit.

A.K. Sypester Trustee of Ben. Cushwa vs Daniel Brewer & Elizabeth his wife & others } No 126 In the Circuit Court for Washington County sitting as a Court of Equity. It is hereby this 30th day of June 1864 agreed by and between that a Commission shall issue to William McKeppeer to take proof to be used by either party in the aforesaid hearing and determination of the above cause. George Schley R. H. Alvey & A.K. Sypester for the Complainants

Geo. W. Smith & Z.S. Slagell & W.J. Hamilton Solrs for Defendants Brewer wife

Whereupon the following Commission was issued to the State of Maryland Washington County to wit. The State of Maryland to William McKeppeer Gentleman Greeting We do know that you are appointed Commissioner to examine evidences in the cause depending in the Circuit Court for Washington County sitting as Equity between Andrew K. Sypester Insolvent Trustee Complainant and Daniel Brewer and Elizabeth his wife and others defendants. Therefore you are required having first taken the oaths hereunto annexed and also administered oath to the person whom you shall appoint as Clerk to attend the execution of this Commission that at such time and place as to you shall seem convenient you cause to come before you all such evidences as shall be named or produced by either of the Complainants or defendants and that you examine them upon their corporal oaths to be by you administered on the Holy Evangels of Almighty God touching their knowledge or remembrance touching the matters in question in the cause aforesaid and that you cause writing to be given to the parties or their Solicitors of the execution of this Commission before you execute the same, and having received the depositions of the witnesses so taken by you into writing you seal the same with this Commission closed under your hand and send to this Court with all convenient speed. Witness the Hon. Hanson Weisel Judge of our said Circuit Court the 6th day of June 1864. Issued the 22d day of June 1864. Isaac Nesbit clk

Whereupon the further proceedings in the premises aforesaid are continued from term to term until the first Monday of March 1865. At which said first Monday of March being the 6th day of the seventh month in the year 1865 came into Court here again the respective parties aforesaid by their Solicitors aforesaid and Wm McKeppeer Esq the Commissioner named in the following Commission and makes return thereof this endorsed to wit. The execution of the other Commission will appear by certain Schedule thereto annexed Wm McK. Keppeer Esqr

Which said Schedule are as follows to wit