therefore that we have given unto you full power and authority, in pursuance of the special order in Our 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 the said bill, and therefore we command you, at such certain day and place as you shall think fit you go to the said Defendant, if — cannot conveniently come to you and assign and appoint a Guardian for the aforesaid infant and take the answer of the said infant by such Guardian, to the said bill, on such Guardians Corporal Oath, upon the Holy Evangels, to be administered by you, the said answer being distinctly and plainly wrote; and when you shall have so taken the said answer, you to send the same closed up under your seal, together with your certificate of your having assigned and appointed such Guardian as aforesaid, and this writ, unto us in our said Chancery.

Witness the Honorable John Johnson Chn this 7th day of January Anno Domini 1853.

(Seal place)

Test

Louis Gapaway Reg Cur Can

To the Hon Johnson Chancellor of Maryland.

The undersigned respectfully returns, that pursuant to the authority vested in him by the foregoing Commission, he did, on the second day of March in the Year 1853 assign and appoint Mary Haines Guardian to the infant in said Commission named, and did take the answer of the said infant by the said Guardian on her Corporal Oath, by the undersigned administered, which answer hereto annexed, is herewith returned with said Commission.

Witness my hand and Seal, this second day of March 1853

James Morris Comr. (L.S.)

The answer of James Haines Wm Haines, Lucinda Haines, T. W. Haines, Elizabeth Haines & John Haines, infants under the age of twenty one years, by Mary Haines their Guardian in that behalf specially appointed, to the bill of Complaint of Benjamin F. Haines and others against James Haines & others Defendants in the Court of Chancery exhibited.

The Defendant answering by their Guardian aforesaid, to the said bill of Complaint say, that they do not admit the truth of the several matters and things charged and set forth in said bill, and pray that the Court will protect their interest in the premises and they pray to be hence dismissed with their costs and so forth.

Mary Haines Guardian.

The Guardian above named makes oath on the Holy Evangels of Almighty God, that the matters and things stated in the foregoing answer, are true to the best of his knowledge and belief.

Sworn to before the Subscriber, Commissioner for that purpose appointed.

James Morris

March 2d 1853

Afterwards To Wit on the 18th day of April 1853 an agreement in the words and of the tenor following, was filed To Wit:—

Benjamin F. Haines & others
vs
Mary Haines & others

In Chancery

It is agreed that in this case a Commission issue to Vernon Dorsey of Baltimore to take testimony

Robert J. Brent
for Complainant.

E. Hammond Sol for
Mary Haines & Eleanor Hardy two of the Defts.

And thereupon on the same day to Wit on the 15th day of April 1853, a Commission in the words and of the tenor following was issued to Wit.

Maryland Sc.

The State of Maryland

To Vernon Dorsey of the City of Baltimore Greeting:

Know that we have appointed you to be our Commissioner to examine witnesses in a Cause depending in our high Court of Chancery, between Benjamin F. Haines & others Complainants, and Mary Haines and Nicholas Hardy and others Defendants we therefore require, you having first taken the Oath hereunto annexed and also administered the annexed 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 witnesses as shall be named and produced to you by either the Plaintiff or Defendant; and that you examine them on their Corporal Oaths to be by you administered upon the Holy Evangels of Almighty God, touching their knowledge or remembrance of any thing that may relate to the cause aforesaid; and that you cause notice to be given to the parties, or their attorneys of the execution of this Commission before you execute the same; and having reduced the depositions of the Witnesses so taken by you into writing, you send the same with this our commission, close under your hand and seal, to us in our high Court of Chancery, with all convenient speed. &c.

Witness the Honorable John Johnson Esquire Chancellor this 15th day of April Anno Domini 1853.

Test

Louis Gapaway Reg Cur Can.

Defendants Exhibit 1.

Received of Nicholas Hardy five dollars to me in hand paid for a part of the Land conveyed to me by Walter Worthington and now laid off by John Brown containing one hundred and seventy acres more or less and which I promise and oblige myself my heirs or assigns to convey to the said Nicholas Hardey and Ellen Hardey his Wife the said land to them and their Heirs or assigns in fee of and of which I have given them the said Nicholas Hardey and Ellen Hardey his Wife possession of the same In testimony whereof