

above named John Smith of W & makes oath, that the matters & things stated in the foregoing answers and true, to the best of his knowledge information and belief

W. J. Palmer Comr

To the Honorable Madison Nelson, Judge of the Circuit Court for Frederick County sitting as a Court of Equity The subscribed, being the Commissioner named in the enclosed Commission hereby certifies that in execution of the powers hereby vested in me I did on the 30. day of March 1852 assign and appoint John Smith of W of Frederick County guardian to said Infants, and took the answers of the said infants by their said guardian, and under the oath of the said guardian by me administered to the bill of Complaint in said Commission named, which said answers, with the said Commission when returned closed under my hand & seal this 30. day of March 1852.

W. J. Palmer Comr

Answer. The separate answers of Mary Smith, one of the defendants, to the bill of Complaint of Joseph Smith John Smith & others Smith filed in the Circuit Court, for Frederick County, sitting as a Court of Equity This defendant saving and reserving to herself, now and at all times hereafter, all manner of advantage of exception to the manifold errors & uncertainties in said bill of Complaint contained, for answer thereto, answers & says, that she admits that Joseph Smith sen departed this life intestate, the owner of a large & valuable real estate specified and described in said bill of Complaint, that said Joseph Smith died leaving as his only heirs at law the children therein named, and that Samuel S. Smith James. J. Smith & Ephraim R. Smith are Infants, under the age of twenty one years But that Margaret Smith, one of the Infant defendants therein named has since the filing of said bill of Complaint, intermarried with a certain Ephraim Stover This defendant further answering admits, that said Real Estate will not admit of a division amongst all the heirs at law, without injury & loss and that it will be for the interest of all the parties interested that the Real Estate should be sold and the proceeds distributed amongst them This defendant also admits that she is the widow of said Joseph Smith & is willing that said Real Estate should be sold, free and clear from all claim of this defendant, for dower therein, and agrees to take in lieu of her dower such proportion of the proceeds of sale, of said Estate, as the rules of Court and the Laws of the State allow her This defendant admits all the facts stated, and set forth in said bill of Complaint & is willing & wishes a decree shall pass, as therein prayed, for the sale of said Real Estate.

Witness.

Mary Smith

Proctor Baker

Subscribed & sworn to before me this 15. day of May 1852. We hereby agree to receive the within answers, without oath, to have the same effect as if sworn to

Palmer & Eichelberger
Solls for Compt.