

dependants. The undersigned Commissioner having personally taken the oath as recorded in the Clerks Office as prescribed by the Court, did proceed to the 15th day of March 1854 to take the following testimony to-wit:

William Jones witness of lawful age produced on the part of the Complainant being duly sworn, answers >

To the first Int: Herewith filed on part of Complainant and to him directed - that he knows the parties Complainant and defendant. >

To the second Int: He answers he knew Jacob Smith in his lifetime, he is dead, he died in Frederick County about two years ago, he did not leave personal Estate sufficient to pay his debts, he was a single man when he died had never married, his heirs at law are David Smith, John Smith Jr adult, Joseph Smith a minor about 15 or 16 years old, Margaret, Elizabeth and Catharine adults, Mary a deceased sister was the mother of John Mearns an infant and also of George Burns and Emanuel Burns both also infants. - She was married twice - these are all deponent knows of. >

To the 3rd Int: He answers, Jacob Smith did leave real Estate in Frederick County he had 3 or 4 tracts, one tract purchased from Gerard Gehr, one purchased from Michael Shook each about 10 or 12 acres, one purchased from Samuel Mangens about 12 or 14 acres and one tract purchased from Jacob J. Forest about 12 or 14 acres this is all the real Estate deponent knows of as belonging to said Jacob Smith, > that Jacob Smith informed deponent that he had purchased a tract of land from Jacob J. Forest for \$350, that he Smith had paid \$50 in cash the same in 1851, and had given his notes to said Forest 6 notes at \$50 at one year two year three years four years five years and six years, each note for \$50, >

To the fourth Int: Knows nothing further. > March 9th 1854 >

George Sulman witness of lawful age produced on the part of the Complainant being duly sworn, answers to interrogatories to him addressed herewith filed to-wit >

To the first Int: That he knows the parties Complainant and defendant. >

To the second Int: He answers, he knew Jacob Smith in his lifetime, he is dead, he died about two years ago in Frederick County, he did not leave a will, he did not leave personal Estate sufficient to pay his debts. - His heirs at law he left are David Smith an adult lives in Washington County, John Smith Jr. lives in Frederick County, Joseph Smith a minor about 16 years lives in Frederick County, Mary Smith a deceased sister left one child John Mearns a minor quite young lives in Washington County and two other children Emanuel Burns and George Burns also minors quite young, lives in Frederick County, Margaret, Elizabeth, Catharine D. Amelia and Amanda all adults sister. >

To the 3rd Int: He answers, Jacob Smith did leave real Estate, deponent does not know it particularly, there is a house and lot for which he executed the notes filed in this case of about 12 or 13 acres, and a Mountain Lot, perhaps more, deponent does not know the extent and how much, he may have had other real Estate. >

To the 4th Int: Deponent answers, He has looked at Exhibit No 1, now shown him being the single bills filed in this case, the said single bills are in deponents handwriting, deponent > witnessed the execution of said single bills and said Jacob Smith did did execute said single bills in deponents presence by putting his mark to each and all of them, and acknowledging the same to be his act and deed and for the purposes there mentioned. - That the signatures thereto of George Sulman as attesting witness in the proper handwriting of this deponent who signed and attested the same to each and all of said said notes. >

To the last Int: Knows nothing further. - The Commission was here closed and is respectfully returned, Exhibit No 1, 2 & 3 filed with the Court. > Geo. J. Nelson Comr. Seal

Answer of J. J. Nelson, Comr. Decree

Bonds