

since died and your Petitioner is advised that the death of her said husband the said John A. she also is entitled to the money raised by said Mortgage wherefore she prays that the said original cause may be proceeded with in her name as though the said John A. Smith had not died.

Thos J Ross
Jas McHenry Jr

Solicitors for Cornelia D Smith

Filed May 21, 1869.

State of Maryland Frederick County to wit:

On this 21st day of May 1869 before me the undersigned a justice of the Peace of the State of Maryland in and for Frederick County appeared personally appeared Dr. Charles Smith and made Oath on the Holy Evangelists of Almighty God that John A Smith one of the Complainants to the bill of Complaint in the aforesaid Petition mentioned did on the 9th day of April Last depart this life and is dead as stated in said Petition

James J. English J.P.

Courts
Order

Ordered by the Court this 21st day of May 1869 that the cause No. 3421 Equity mentioned in the aforesaid Petition be proceeded with in the name of Cornelia D Smith as though the said John A. had not died the interest in the said cause having by the death of the said John A. devolved upon her the said Cornelia D Smith

Filed May 21, 1869.

John A Lyfuch.

Interlocutory
Decree

Cornelia D Smith

vs.

Edward S Toney et al

No. 3421 Equity.

In the Circuit Court for Frederick County sitting as a Court of Equity

May Term 1869.

These Defendants Joseph Culbertson and Sarah Culbertson having appeared to the bill of Complaint but failing to file their answer thereto. It is thereupon this 21st day of May in the year 1869 by the Honorable John A Lyfuch Judge and by the authority of this Court adjudged ordered and decreed that the Complainant is entitled to relief in the premises but because it doth not certainly appear to what relief the Complainant is entitled it is further adjudged & ordered that a Commission issue to the Commissioners of this Court to take testimony to support the allegations of the bill.

Filed May 21, 1869.

John A Lyfuch

Commission
to take
Testimony

Maryland Set:

The State of Maryland to Francis Brengle & John C. R. Wood Esqs. of Frederick County Meeting. Best known that you are appointed Commissioners to examine evidences in a cause depending in the Circuit Court for Frederick County as a Court of Equity between John A Smith and Cornelia D. Smith his wife Complainants and Edward S Toney, Joseph Culbertson and Sarah Culbertson his wife Defendants. You are therefore required having first taken the Oath hereunto annexed