

then executed to Defendant a Mortgage on the same Real Estate that I spent conveyed to the Defendant George Miller which is the Mortgage exhibited in this case as "Exhibit No. 1" I don't know where said deed now is George Miller told me that he would keep it as long as he lived and would not put it on record.

8th Int. It wont bring near the amount of the Mortgage debt, it will probably bring about \$200<sup>00</sup>

9th Int The notes & Mortgage were given for the purchase money of said Real Estate.

Frederick Birely, a witness of lawful age produced upon the part of the Complainant being duly sworn and examined to interrogatories filed with the Commissioner by the Complainant and herewith returned, depose and say, to the

1st Int. I have known all the parties for a number of years

2nd Int. They are now living in one of the Western States and have been living there since the Spring of the year 1874.

3rd Int In Frederick County, Md. for about four or five acres.

4th Int I am acquainted with the hand writing of George Miller and know the signature to be his

5th Int I am satisfied that none at all has been paid.

6th Int It was on the first note falling due, nothing was realized on said judgment.

7th Int Yes Sir, they did, of the same date and at the same time that the Mortgage was given, the Real Estate is situated in Woodboro District Frederick County Md on a private road leading from Complainants farm house to the Hager town road "Exhibit 1" contains a correct description of said Real Estate, the Defendants then executed to Complainant a Mortgage on the same Real Estate that the Complainant and his wife had conveyed to the Defendant George Miller which is the Mortgage exhibited in this case as "Exhibit No. 1" I don't know where said deed now is but George Miller told me that he would keep it as long as he lived, and wouldnt put it on record, I was present when the deed and Mortgage were both executed & delivered.

8th Int. I don't think that it will bring much more than twenty dollar (\$20) per acre.

9th Int. The notes and Mortgage were given for the purchase money of said Real Estate.

Whereupon there being no other witnesses present to be examined and no further time being required for the production of evidence the Commissioner closed the said Commission and herewith returns the same under his hand and seal this first day of March A. D. 1876.

Teste of Commission

Commissioner Wm B Nelson fees \$5. paid by Compl.

Wm B Nelson (Commissioner)

Wm B Nelson  
Commissioner

Filed March 2 1876

Exhibit B

The Course and distance of a piece or parcel of Land called "The Reurvey or Mackeys Choice" (or by whatever the same may be called) lying and being in Woodboro District in Frederick County and State of Maryland, being the same Land that was heretofore conveyed by Jacob Birely and wife to George Miller &c &c Requiring for the same at a stone planted at the Northwest Corner