

witness, so taken by you, into writing, you send the same, with this Commission, closed under your hand and seal, into this Court as a Court of Equity with all convenient speed.

Witness, the Honorable Richard J. Bowie, Chief Judge of our said Court, the 10th. day of December, Anno Domini, 1877.

Desued the 23<sup>rd</sup> day of January, 1878. Thomas Gorsuch, Clerk.

Testimony

At the execution of the annexed Commission issued out of the Circuit Court for Frederick County, sitting as a Court of Equity, and directed to Wm. B. Adams and J. E. R. Wood, Commissioners therein named, and empowering them or either of them to examine evidences in a cause depending in the said Court between David O. Smith and wife and others as Complainants, and Clara C. Smith and others as Defendants, J. E. R. Wood one of the Commissioners named in the said Commission having met in the City of Frederick on Wednesday, the twenty third day of January, A. D. 1878, pursuant to previous notice thereof, proceeded then and there to take the following testimony. The Complainants filed with the Commissioners as Evidence Exhibits Nos. 1. and 2. The Commissioners then proceeded to take the following depositions to wit:

Joseph G. Miller, a witness of lawful age produced on the part of the Complainants being duly sworn and examined to Interrogatories filed with the Commissioners by the Complainants and herewith returned, deposes and says:

- 1<sup>st</sup>. Int: State your name, age, and place of residence?
- 1<sup>st</sup>. My name is Joseph G. Miller, I reside in Frederick County, age fifty three years.
- 2<sup>d</sup>. Int: Do you know the parties to this suit, and if yes, how long have you known them?
- 2<sup>d</sup>. I do know the parties to this suit, and have known them from their infancy.
- 3<sup>d</sup>. Int: Did you know John Smith late of Frederick County, is he living or dead, and if dead, when and where did he die, and did he die testate or intestate?
- 3<sup>d</sup>. I did, He is dead. He died in December A. D. 1876, in Frederick County. He died intestate.
- 4<sup>th</sup>. Int: Did said John Smith leave a widow now living, and if yes, what is her name, age and condition of health?
- 4<sup>th</sup>. He did. Her name is Mary Ann Smith. She is about fifty years of age, and she is in reasonably good health.
- 5<sup>th</sup>. Int: Did said John Smith leave any children or other heirs at law, and if yes, give their names, ages and places of residences, are any of them married if yes, give the names of their husbands and wives?
- 5<sup>th</sup>. He did leave children. He left a son David O. Smith married, and whose wife is Georgiana F. Smith. He left a daughter

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