

No 4448 Equity

of said lands free of her dower, she consenting to take in lieu thereof such proportion of the sales thereof, as may be allowed under the rules of the Court

Witness  
Mary C Horner

Sophia Horner

State of Maryland, Frederick County, ss.

On this twenty fourth day of February in the year 1879 before me the subscriber, a Justice of the Peace of the State of Maryland in and for Frederick County personally appeared Joshua Rome and made oath in due form of Law, and says he knows Sophia Horner widow of Eli Horner late of Frederick County State aforesaid, deceased that he is, at this time, aged believes to be, about 58 years, and that her general health is good.

Filed Feb. 26, 1879

Henry Stokes J. P

Newton W Horner wife  
et al  
vs  
Sophia Agnew, John Agnew  
D. wife et al

No 4448 Equity  
In the Circuit Court for Frederick  
County, sitting as a Court of Equity.  
May Term 1879

Answer  
of  
John Agnew

The answer of John Agnew to the Bill of Complaint exhibited against him and other defendants in the above entitled cause.

This defendant reserving all manner of exceptions to the manner and manifest error in said Bill contained, for answer thereto, says that true it is that a certain Eli Horner formerly of Adams County in the State of Pennsylvania, and late of Frederick County Maryland, died intestate about the 25th day of November A. D. 1818 leaving a widow named Sophia Horner, and the children named in said Bill of Complaint surviving him that this defendant is the husband of Louisa Agnew, who with the defendants Lucinda Horner, and Mary Horner are infants under twenty one years of age

This defendant further admits that the said Eli Horner died seized and possessed of the real estate mentioned in said bill of complaint; and that his widow Louisa Horner has a dower right therein

This defendant further answering, charges, and represents unto your Honors that about seven or eight years ago whilst the said Eli Horner was yet a resident of the State of Pennsylvania, the said Eli Horner gave or paid to the Complainants Newton W Horner, Ann Maria White, Harriet Barr, and Sarah J. McSherry, and to each of them the sum of five thousand dollars in money and real and personal property, upon the distinct agreement and contract made by and between the said Eli Horner, and the abovenamed complainants Newton W Horner, Ann Maria White, and William Ross White her husband, Harriet Barr and Smith Barr her husband, Sarah J. McSherry, and Robert McSherry, her husband and each of them and which contract was afterward ratified by them, that the said sum of five thousand dollars so given or paid by them was to be their full portion of his estate as his heirs, or distributees, when he died, unless the said Eli Horner provided otherwise by his last will, and testament; and that said sum of five thousand