

No. 4816 Equity.

1st Int. - Did he leave a widow and children surviving him? And if yes, state their names, ages and residences and if any married the names of their husbands and wives?

1st Ans. - He left a widow and four children surviving him, as follows, viz: -

Myself, E. Rebecca Zimmerman, his widow, aged 50 years.

(1) A daughter, Clara Zimmerman who is unmarried and over 21 years of age.

(2) A daughter Florence, married to David L. Hedges both of whom are over 21 years of age.

(3) A son, Harry S. Zimmerman who is a little under 21 years of age.

(4) A son Spencer S. Zimmerman who is under 21 years of age. All of these parties reside in Frederick County, Maryland.

2d Int. - State whether the \$800<sup>00</sup> note in Bank has been paid both as to principal and interest and whether Mr. Zimmerman's heirs are willing for Mr. George Mikesell to have a deed for the farm?

2d Ans. - Mr. George Mikesell has paid the entire note in Bank and placed Mr. Zimmerman's estate which is not responsible to the Bank. The note is in the possession of Mr. Zimmerman's Administratrix. The Bank had foreclosed against the estate and we wanted it to show to the Court to have it deducted.

Testimony

3d Int. - Will it or not be to the interest and advantage of said heirs for Mr. George Mikesell to have a deed for the farm and would that be carrying out the agreement entered into?

3d Ans. - The heirs all think it will be to their interest and advantage for Mr. Mikesell to have a deed for the farm and are willing and desirous for the Court to appoint a trustee to convey the farm to Mr. George Mikesell.

David L. Hedges, a witness of lawful age produced on the part of the Complainant being duly sworn and examined to interrogatories filed with the Commissioner by the Counsel for the Complainant, and herewith returned, deposes and says, to the \_\_\_\_\_

1st Int. - State your name, age and place of residence?

1st Ans. - My name is David L. Hedges. I am 27 years of age and reside in Frederick County.

2d Int. - Look at the paper now shown you marked "Exhibit No. 1," and state what it is and if a deed, from whom it was obtained and the circumstances, understanding and agreement under which it was made?

2d Ans. - I look at the paper now shown me, marked "Exhibit No. 1." It is a deed from John S. Jamison Trustee of Abraham Mikesell to Oliver S. Zimmerman and George Mikesell. Oliver S. Zimmerman and George Mikesell were on a note for \$800<sup>00</sup> in the Central National Bank for Abraham Mikesell, and they had a mortgage on his farm to secure themselves, and when the farm was sold by John S. Jamison Trustee they bought the farm to secure themselves on the understanding that when Abraham Mikesell paid the note he was to have a deed for the farm. Abraham Mikesell has been in possession of the farm and has paid the interest on the note except \$48<sup>00</sup> which was paid by Mr. George Mikesell and Oliver S. Zimmerman.

3d Int. - State whether Mr. Oliver S. Zimmerman is living or dead, and if dead when and where did he die?

3d Ans. - He is dead. He died in the month of May 1882, in Frederick County, Maryland.