No 5228 Equity

In my opinion he did not leave personal estate sufficient to pay the costs of Administration and to allow the widow what she is entitled to by law and then have enough left to pay his debts.

5th. Int. Examine the account marked Exhibit No. 1 and state if it is correct to the best of your Knowledge and all your Knowledge herein?

Ans. I look at it and believe it to be just. I knew he borrowed money of the Plaintiff when he bought the property and heard him say that she loaned him money to repair the house. In my opinion she loaned him more than is charged in the account.

To the Gen. Inter. by the Examiner.

Ans. I do not. — — — H. H. Smith —

Testimony.

Daniel D. Smith a witness of lawful age produced on the part of the Plaintiff being duly sworn and examined to Interrogatories deposes and says:—

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

Ans. My name is Daniel D. Smith; my age, 48 years and I reside in Johnsville District Frederick County.

2d Int. Do you Know the parties to this suit? If yes how long have you Known them and where do they reside?

Ans. I know them and have Known them nearly all their lives. They all live in Frederick County.

3d Int. Did you Know Charles L. Smith late of Frederick County? If yes, is he living or dead? If dead when and where did he die and did he die testate or intestate?

Ans. I knew him. He is dead. He died in Frederick County in Woodboro District about the 21st of April 1884 and left no will.

4 Int. Did the said said Charles L. Smith die seized of any real Estate? If yes where is it situated and what is its value? Look at paper now shown you marked Exhibit No. 2, and state whether or not that describes the said Real Estate?

Ans. He did seized of real estate situated in Frederick County. It is worth about $250.= or $300.= I look at Exhibit No. 2 and that describes the said property.

5th Int. Did the said Charles L. Smith leave a Widow? If yes state her name and age?

Ans. He left a widow. Her name is Susan C. Smith and her age thirty some years.

6th. Int. Did he leave any children? If yes State their names and ages?

Ans. He left two children. One of which has been born since his death. Their names are George Smith and Charles L. Smith and both are infants under 21 years of age.

7th Inter. Is the Personal Estate of the said Charles L. Smith, deceased, sufficient for the payment of his debts? State fully all your Knowledge herein?

Ans. I can't think that his personal property was sufficient to pay the costs of Administration and to give the Widow her allowance and then to pay off his debts. No administration was granted on his Estate. I have understood that the Orphans' Court advised that an Administration would not be necessary on account of the