

No 5712 Equity.

The Answer of Morris A. Birly, an infant under the age of twenty one years, by Joseph M. Gaver his Guardian ad litem to the Bill of Complaint of Barbara A. Birly against him et al, in the Circuit Court for Frederick County, sitting as a Court of Equity Exhibited.

This defendant cannot admit any of the matters and things alleged in the Bill, and being an infant of tender years, submits his rights to the protection of this Court.

Filed Aug. 26. 1890

Joseph M. Gaver, Guardian ad litem.

General Pleading

Barbara A. Birly

Samuel M. Birly et al

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No 5712 Equity

In the Circuit Court for Frederick County in Equity

Mr. Clerk. Enter the General replication to answer filed and deliver the papers to C. O. Keedy to take testimony

J. C. Matter

Sol. for Pet.

Filed Aug. 26. 1890.

Testimony

Barbara A. Birly

Samuel M. Birly
and others

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No. 5712 Equity

In the Circuit Court for Frederick County
sitting as a Court of Equity.

In pursuance of the annexed notice of the counsel for the Plaintiff, in the above entitled cause, I Clayton Keedy one of the regular Examiners of said Court duly appointed, qualified and sworn, having met at my office in Frederick City, Frederick County Maryland and assigned the first day of September A. D. 1890. at the place aforesaid as the time and place for taking the testimony in said cause and having given due notice thereof to the parties concerned, did at the appointed time and place proceed to take the following testimony to wit:

The Plaintiff filed with the Examiner as Evidence Exhibit No. 1. which is herewith returned by the said Examiner.

Samuel M. Birly a witness of lawful age produced on the part of the Plaintiff being duly sworn and examined deposes and says as follows:

- 1st Int. State your name, age and residence and whether or not you are acquainted with the parties to this suit?
Ans. Samuel M. Birly, 31 years, Mechanicstown, Frederick County, Md. I know all the parties to the suit. I am the son of the Plaintiff and one of the defendants.
- 2^d Int. Did you know Samuel Birly late of Frederick County? If yes, is he dead? If yes, did he leave a will and if so look at exhibit No. 1. now then you state if this is a copy of the same?
Ans. I knew him; he was my father. He is dead. He left a will. I look at exhibit No. 1. and that is a certified copy of said Will.
- 3^d Int. Are you acquainted with the house and lot with four acres of land devised in said will to the Plaintiff during the term of her natural life, with a devise over in case of her demise to the lawful heirs of the said testator? If yes, state the value of the same?
Ans. I am. I was born and raised there. It is worth about \$2500.
- 4th Int. State whether the said Plaintiff has re-married.
Ans. She has not.
- 5th Int. State who are the heirs at law in whom the said property will vest at the death of

is the said
remanded
sitting as a
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