No. 5715 Equity.

Interlocutory Decree

Amos W. Dempsey and wife
vs
Sarah E. Lindsay & husband et al.

No. 5715 Equity.
In the Circuit Court for Frederick County sitting as a Court of Equity.

The adult defendants, Martha L. Dempsey, Ambrose B. Dempsey and Mary Dempsey his wife, Annie V. Dempsey and Samuel E. Dempsey in the above entitled Cause, having been duly summoned to appear to the Bill of Complaint and having failed to appear thereto: It is thereupon this 23 day of August A.D. 1890 by the Circuit Court for Frederick County as a Court of Equity ordered, adjudged, and decreed that the Plaintiffs are entitled to relief in the premises: but because it does not certainly appear to what relief the Plaintiffs are entitled, it is further adjudged and ordered that leave be granted to the Plaintiffs to take testimony before William Wilcoxon Esq. one of the regular Examiners of said Court to support the allegations of the Bill.

(Filed Aug. 23. 1890) Jas M. Sherry

Commission Return, Testimony

No. 5715 Equity.

Amos W. Dempsey and Eliza J. his wife
vs
Sarah E. Lindsay et al

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

In pursuance of the annexed order of Court and notice given me by the Solicitor for the Plaintiff in the above entitled cause, I William Wilcoxon one of the regular Examiners of said Court having fixed Monday the 1st day of September A.D. 1890 at my Office in Frederick City Md. as the time and place for taking the testimony in the cause and having given due notice thereof to the parties concerned did then and there proceed to take the following testimony, Viz:

The Plaintiffs filed with the Examiner as evidence Exhibits No 1. 2 & 3. and Exhibits marked A. B. C & D. which are hereunto returned by said Examiner

Weedon Clary a witness of lawful age, produced on the part of the Plaintiff being duly sworn and Examined "viva voce" deposes and says as follows

My name is Weedon Clary my age is 61 years, I reside in Woodville District Frederick County, Md. and know all the parties to this suit.

I knew Warner Dempsey in his life time who died in Frederick County intestate about 12 or 13 years ago, he was seized and possessed of two small parcels of land which are described in Exhibits 1 & 2. aggregating about nine acres of land, he left a widow Margaret A Dempsey, and the following children as heirs at law, viz, a son

1. Amos W Dempsey whose wifes name is Eliza J.
2. A daughter Sarah E Lindsay who is married to C Henry Lindsay
3. A son Franklin W. Dempsey who died since his father leaving a widow Martha L Dempsey who is about 50 years of age, and the following children,
   Mary now the wife Thomas Elgin
2. Ambrose B Dempsey whose wifes name is Mary
3. Annie V Dempsey