No. 7092 Equity.

Testimony

on the 30th Day of October, 1899. and assigned the said time and place for the taking of testimony in said cause, did at the aforesaid time and place proceed to take the following testimony to wit:-

The Plaintiff filed with the Examiner as evidence, Exhibits "A" and "B" which are herewith returned by said Examiner, Charles C. Waters, a witness of lawful age produced on the part of the plaintiff having first been duly sworn and examined deposes and says.-

1st Int. State your name, age and residence, Charles C. Waters, age 31 years, and I reside in Frederick City, Maryland, I have no interest in the result of this suit and I know all the parties thereto, The defendant Clara May Smith is an infant, whose Guardian is Ella V. Smith the plaintiff in this case, Clara May Smith the defendant is seized and possessed in fee simple of a lot of ground with improvements thereon situated on the North side of N. 4th Street in Frederick City, Maryland, being designated as parts of Lots 214 and 215 on the original plat of said Frederick City, being subject to a Mortgage of $150. to held by Emory L. Coblentz, I look at Exhibit "B" now shown me and it correctly describes said lot of ground. The said house and lot constitutes the whole of the Estate of said infant.

The interest of the said infant is valued at about $700.00, I sold the property for $850. to Ella V. Smith clear of all incumbrances in July 1898, I therefore figure that the infants interest after deducting the Mortgage of $150.00 is worth about $700.00 which I consider a fair price, It would be to the interest and advantage of the said infant for her interest in the aforesaid property to be sold under a decree and so much of the proceeds thereof as will be necessary used for the maintenance and support of said infant and the remainder invested in some productive fund for her benefit;

In Answer to the general Interrogatory propounded by the Examiner

Ans. I do not.

Charles C. Waters.

Mrs. Ella V. Smith a witness of lawful age produced on the part of the Plaintiff having first filed been duly sworn and examined deposes and says:-

1st State your name age and residence,

Ella V. Smith, age 38 years and I reside in Frederick City, Maryland, I am the plaintiff in this suit and the mother of Clara May Smith the defendant, I was appointed Guardian to the said Clara May Smith, by an order of the Orphans Court for Frederick County passed on the 4th day of January A.D. 1897, The said Clara May Smith infant is seized in fee simple of a lot of ground with improvements thereon situated on the North side of N. 4th Street in Frederick City, Md. being No. 49 on said Street and designated as parts of lots Nos. 214 and 215 on the original plat Frederick City.

I look at Exhibit "B" and it correctly describes said lot, I conveyed this property to her for a consideration of $739.28 subject to a mortgage of $150.00 additional held by Emory L. Coblentz, said conveyance to Clara May Smith being made in July 1898, I consider the consideration in said deed a fair and adequate price for the interest conveyed, My husband, the father of the said Clara May Smith, infant, has been dead eleven years, and I am no longer able to maintain and support her. I therefore believe that it would be for the decided benefit and advantage of said infant that her interest in the said lot of ground be sold under a decree of your Honorable Court and so much of the proceeds thereof as may be necessary be applied to the maintenance and support of said infant and the remainder.

Testimony

Decree