

No. 7133 Equity

Testimony vs.

been duly returned summoned, and having failed to appear or answer the bill of complaint filed against them, and it also appearing that Frank Jones, Ella Jones and Elias and Ignatius Smiths, having been twice returned non est, and that the order of Publication heretofore issued in this cause has been duly published in the "Valley Register," a newspaper published in Frederick County, as prescribed by said Order of Publication, and the said defendants twice returned non est as aforesaid and the defendants, Eli Smith and — Smith, his wife, Hannah Smiths, widow of Jacob Smiths, deceased, John Smiths, Jacob Smiths and Maria Smiths, having failed to appear either in person or by Solicitor and answer the bill of complaint filed against them, it is therefore this 11th day of May, in the year Nineteen hundred, by the Circuit Court of Frederick County, sitting as a Court of Equity, and by the authority thereof, adjudged, ordered and decreed that the plaintiff is entitled to relief, but it not appearing to the satisfaction of the Court to what relief the plaintiff is entitled, it is further adjudged and ordered that leave be granted to the Plaintiff to take testimony before any one of the standing examiners of this Court, to support the allegation of the Bill of Complaint,

John C. Motter.

Testimony vs.

John Smiths
William Smith et al } No. 7133 Equity,
In the Circuit Court for Frederick County,
in Equity.

In pursuance of the aforesaid order of Court and notice given me by the solicitor for the Plaintiff in the above entitled cause I Arthur D. Williard, one of the regular Examiners of said Court duly appointed qualified and sworn, having met at the office of E. L. Goblentz, Esq. in Frederick City, Maryland, on the 17th day of May, 1900, 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 Exhibit A, which is herewith returned by said Examiner,

John Smiths a witness of lawful age produced on the part of the plaintiff having first been duly sworn & examined deposes and says:

1st State your name, age, and residence,
Ans. John Smiths, age 72 years, and I live near Walkersville, Frederick County, Maryland, I am the plaintiff in this case,

2nd. State all you know about this case,

Ans. My brother Robert Smiths and myself purchased of John Logan & wife about the year 1855 a tract of land situated in Frederick County, Maryland, containing between 14 & 15 acres; exhibit A now shown me is the deed conveying the said land to my brother and me, "Exhibit A" at this juncture is filed with the examiner as evidence by the Plaintiff. We held this land together in common and lived on it together until the year 1878, when my brother Robert died. He died without a will and left surviving him as his heirs at law he being a bachelor, myself a brother, William Brothers an adult brother Elias Smiths an adult brother whose wife's name was Eliza; Mary Ann Smith, an adult sister whose husband's name was Eli Smith; Annie Smiths an adult

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