

No. 8197. Equity

ointed, qualified and sworn, did on the 13th day of September A.D. at my Law office in the City of Frederick and State of Maryland, at the hour of eleven O'Clock A.M. proceed to take the following depositions of the witnesses in this case, to-wit:

Present, Mr. Milton S. Womer, Jr. Solicitor for the Plaintiffs.

Exhibits #1, 2-3- to the Bill of Complaint were filed with the Examiner as evidence and are so marked.

George Smith a witness of lawful age produced on the part of the Plaintiff being first duly sworn deposes and says as follows being examined viva voce.

My name is George Smith. I am 57 years of age & reside near Motters Station in Frederick County, Maryland. I know all the parties to this cause and the land mentioned in these produced, which is correctly described in Exhibits #1, 2, & 3- to the Bill and filed as evidence with the Examiner. I knew Mary M. Smith in her lifetime, she was a widow at the time of her death in November, 1906, that she left surviving the following children and heirs at law now living: William F. Smith an adult son whose wife's name is Alice F. Smith both of whom are residents of Frederick County, Maryland; - Lillian May Fogle, an adult daughter whose husband's name is Sheridan A. Fogle both of whom reside in Baltimore City, Maryland.

Harry V. Smith an adult unmarried son who resides in Washington County, Maryland; Edgar A. Smith an adult unmarried son who resides in Frederick County, Maryland and Charles W. Smith an adult son who died in May, 1907, intestate leaving surviving him a widow Emma Smith and two infant children whose names are Mary L. Smith and Helen L. Smith, whose ages are respectively 13 years and 9 years. Emma L. Smith and these two children reside in Washington County, Maryland. Mary W. Smith left no last will and testament and died seized and possessed of a small farm containing about forty acres of land situated in Frederick County, Maryland which is the same land mentioned and described in Exhibits #1, 2, & 3, to the Bill of Complaint. This land is improved with a tolerably fair dwelling house