

NO 6437. Equity

allegations of the Bill.

John A. Lynch,
Judge of the Circuit Court.

Testimony, Filed January 21st 1896.

In pursuance of the annexed order of the Court and notice given me by the Solicitor for the Plaintiff in the above entitled cause, I Clayton O. Needy one of the regular Examiners of this Court, duly appointed, qualified and sworn, having met and assigned the 17th day of December A. D. 1895 at the office of G. M. Pinner Esq in Frederick City at 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 Plaintiffs filed the Examiner, as evidence Exhibits Nos. 1 & 2, which is herewith returned by the said Examiner.

Lewis W. Schooner, a witness of lawful age produced on the part of the Plaintiffs being duly sworn and examined viva voce, deposes and says as follows: My name is Lewis W. Schooner, my age 59 years I reside in Frederick County, I know all the parties to this suit except the unknown line in the West.

I know the Plaintiffs Wm B. Wheeler and Thos A. Wheeler, Physician and Justice practicing their profession who reside at Pompton, Washington County, Maryland. I know they are the Physicians who attended John Frey, the decedent named in the Bill of Complaint, during his last illness. I look at their accounts filed in this case as "Exhibit No. 3." It is just, fair and correct and no part of it has been paid but it is all still owing.

I know John Frey in his lifetime, my Uncle. He is dead, he died at his home near Pleasant Hook in Frederick County, Md. in the month of June 1895, he left no will.

He left no personal estate and there has been no administration thereof.

He left two adjoining pieces of real estate situated in Beatrice District, Frederick County, containing about sixteen acres, part of which is cleared and