

NO 8349. Equity.

Husband was also indebted to Mr. Washington L. Beall in the sum of \$400= on a promissory note, date Feby. 25= 1897. which note upon the death of Mr. Beall was assigned by his administrators to the ^{said} Wallace R. Beall on this note a payment of \$200= was made Jan'y 25= 1908, and the interest was paid to Feby 25= 1908, so that the amount now due on said note is \$200= with interest at 7% from Feby 25th 1908.

I loaned my husband \$500= which he used in the purchase of this McManus property on March 23= 1895, and which he promised to repay me with interest but died without having done so. My husband and I had saved up \$300= His \$300= and my \$500= I put in the Citizens National Bank of Frederick when he went to pay for the McManus property I drew all the money out and handed it over to him as will be shown by the Check here with filed marked Exhibit A= This \$500= was money which I received from my parents estate and which I had in the Citizens National Bank, in my own name, and the interest from which I drew and used myself. But I my husband's request I drew the promised amt out of the Bank and loaned it to him to help to pay the above mentioned property. I am the administrator of my husband's personal estate and I know that his personal estate is not by any means sufficient to pay his debts and the deficiency will have to be made up out of his real estate, and I know it will be necessary to sell a portion of his real estate to pay said debt. I look at Exhibit nos. 1, and I filed with the Bill and they are the above mentioned notes, ^{with interest} signed by my husband and myself.

and

To the Hon. Sub. by the Examiner.

I do not.

Ida E. Smith,

Marcellus E. Beall, a witness of lawful age produced on the part of the Plaintiff being duly sworn and examined ~~swore~~ depone, and says as follows:—
My name is Marcellus E. Beall. I reside in Liberty Frederick Co. Md. I know are the parties to the proceeding. I know Chas. J. Smith. He is dead He died in April 1908, at his home in Frederick County, He died without leaving a Will and was seized and possessed of Real and personal property in this County. He left a widow, Ida E. Smith the preceding witness and four children as his only heirs at law viz:— George