

No. 8458. Equity.

and having failed to appear or answer Said Bill of Complaint. Your Petitioner pray that your Honor will pass a decree pro Confesso against the said Eugene Marty.

A. Triceton Buckley,  
Sols for Complainants.

Reverts Order.

The defendant Eugene Marty, having been duly notified to appear to the Bill of Complaint, and having failed to appear thereto, according to the exigency of the Order of Publication, published against him in this cause. It is thereupon this 17th day of October, 1909, by the Circuit Court for Federal County, sitting at a Court of Equity, and by the authority thereof, adjudged, ordered and decreed, that the plaintiffs are entitled to relief in the premises, and the Bill of Complaint, be and is hereby taken pro Confesso against said defendant Eugene Marty; that because it does not certainly appear to what relief the plaintiffs are entitled it is further adjudged and ordered that leave be and the same is hereby granted to said plaintiffs to take testimony before one of the Standing Examiners of this Court to support the allegations of the Bill.

John H. Mottet.

Testimony

In pursuance of an order of the Court, contained in the decree pro Confesso passed in this cause on Oct. 12<sup>th</sup> 1909, and notice given me by the Solicitor for Complainants J. Guy H. Mottet, one of the regular Examiners of the Court duly appointed, qualified, and sworn having assigned, the 17<sup>th</sup> day of October 1909, at the law office of H. F. Buckley Esq in Federal City, Maryland, was the time and place for taking the testimony in this cause, did at the time appointed time and place proceed to take the following testimony to-wit:

The Plaintiff filed with the examiner as evidence, Exhibits #s. "1," "3," "4," and "Agency" which are herewith returned, by said Examiner.

William Smith a witness of lawful age produced on the part of the Plaintiff, being first duly sworn and examined *de novo*, & says, my name is William H. Smith. I reside in Tucuma district of Federal County, and deputy sheriff in the office of the Sheriff of Federal County. I know John H. Frey in his life time