

NO. 3633 Equity.

Testimony

At the execution of the annexed Commission issued out of the Circuit Court for Frederick County, sitting as a Court of Equity, and directed to William B. Nelson and J. E. P. Wood and empowering them to examine evidences in the Cause depending in the said Court between David J. Foley as Complainant and Thomas Foley and others as Defendants, J. E. P. Wood one of the Commissioners therein named having met my office in Frederick City on Thursday the Eleventh day of May in the year Eighteen hundred and Seventy one, did proceed to take the following evidence in the presence of the Complainant and John Ritchie the Solicitor for Complainant, the Complainant filed with the Commissioners as evidences Exhibits.

The Commissioners then proceeded to take the following depositions to Wit Lewis C. Beall a Witness of lawful age produced on the part of the Complainant being duly sworn and examined to interrogatories filed with the Commissioners by the Complainant and herewith returned deposed and says:

To 1<sup>st</sup> Int. That he knows the parties to this Suit and has known them for many years they all reside in Frederick County, except Daniel Foley, who resides in Baltimore City, and Thomas Foley who formerly resided in Baltimore but who now lives in the West.

To 2<sup>d</sup> Int. That witness was acquainted with James H. Beall formerly a resident of Frederick County, he was a son of Witness, said James H. Beall is dead, he died in Frederick County, on the Seventh day of January Eighteen hundred and Seventy.

To 3<sup>d</sup> Int. That said James H. Beall did die in possession of Real Estate in Frederick County, he died in possession of a Farm, he purchased a part which was called Carroll's Manor, the 1<sup>st</sup> of said three parcels is a farm containing two hundred and twenty five acres and one rood and thirty six square perches of land, the second is a wood lot containing eleven acres of land, and nineteen square perches of land, the third is a wood lot containing two acres, one rood and seventeen square perches of land.

To 4<sup>th</sup> Int. Witness looks at the descriptions of the lands of James H. Beall as set forth in the Bill of Complaint, and then Exhibits herewith filed and says the same accurately described and set