

DECREE PRO CONFESSO

Mary E. Eiler and Charles
R. Eiler, her husband et al.
Plaintiffs.

vs.

Ella M. Birely and William
F. Birely, her husband et al.
Defendants.

No. 9556 EQUITY.
In the Circuit Court for
Frederick County, sitting
as a Court of Equity.

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It appearing from the proceedings in this cause that the order of publication heretofore issued therein has been duly published in The News, a newspaper printed and published in Frederick City, in said Frederick County, Maryland, as prescribed by said order, and the defendants, Charles B. Allison and Mary Catharine Allison, his wife, having failed to appear, either in person or by solicitor, and answer the bill of complaint therein filed against them.

It is thereupon, this 24th day of February, A.D. 1917, by the Circuit Court for Frederick County, sitting as a Court of Equity, adjudged, ordered and decreed that said bill of Complaint be, and the same is hereby taken pro confesso against said non-residents defendants, Charles B. Allison and Mary Catharine Allison. And it is further ordered that depositions be taken before one of the standing examiners of this Court, in support of the allegations of the bill.

Glenn H. Worthington.

Filed Feb. 24th, 1917.

T E S T I M O N Y

Mary E. Eiler and others.

vs.

Ella M. Birely and others.

No. 9556 Equity. In the Circuit
Court for Frederick County,
Sitting as a Court of Equity.

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In pursuance of the order of the Court contained in the decree pro confesso passed on the 24th day of February 1917 and notice given me by the solicitors for the plaintiffs in this cause, I, Clayton O. Keedy, one of the standing Examiners of said Court duly appointed, qualified and sworn, having assigned the 2nd day of March, 1917, at my office in Frederick City as the time and place for taking the testimony in this cause and having given due notice thereof to the parties concerned, did at the appointed time and place proceeded to take the following testimony to wit:- The Plaintiff files with the Examiner as evidence "Exhibit A" which is herewith returned by the said Examiner.

Mrs. Mary E. Eiler a witness of lawful age produced on the part of the Plaintiff being duly sworn and examined viva voce deposes and says as follows:-

my name is Mary E. Eiler, I live in Carroll County, Md. and am one of the plaintiffs in this cause, I knew Hannah Harwetel, the decendant mentioned in these proceedings, she was my mother; she is dead and died about July 25th, 1911 in Frederick County, At the time of her death she owned a small tract of land situated in said County containing 32 square perches and which is fully described in Exhibit A filed with the Bill now shown me and filed with the Examiner. This tract of land is located in Ladiesburg in said County. This property, I think is worth about \$2000.00.

My mother Hannah Harwetel, died intestate and at the time of her death left a number of children as follows:- Myself. and I am married to Charles Eiler and we live in Carroll County, Md. A son, Marshall G. Harwetel whose wives name is Emma J. Harwetel both of whom live in Baltimore, City, Md. A daughter Lulu B. Harwetel who is unmarried and lives in Ladiesburg in Frederick County. A daughter Ella M. Birely whose husbands name is Wm. F. Birely both of whom reside in said Frederick County. A son, Charles B. Allison whose wife's name is Mary Catharine Allison, and when last heard of they were residing in the State of Massachusetts they do not live in Maryland. All of said children and their husband's and wives are adults over 21 years of age; and all of them have been made made parties to the Bill filed in this cause. Upon the death of my mother her said real estate decended to and vested in her above-named children, subject to the dower of my father Lewis Harwetel, My said father died November 8th, 1916. The said real estate is improved by a two story frame dwelling and could not be divided among us without great loss and injury, and the only way in which a division of the interests