

Present!

Alexander H. McCormick, Jr. Esq., Solicitor for Plaintiffs.

Edgar H. McBride, Esq., , , ,^m

J. F. R. Heagey, Esq., , , Defendant.

J. E. Beatty and Frank M. Lewis, Witnesses.

Royal J. Smith one of the Plaintiffs.

Exhibit filed with the Examiner No. 1

J. E. Beatty a discreet and respectable witness produced on the part of the plaintiffs, first being duly sworn and examined viva voce to interrogatories orally propounded to him by Alexander H. McCormick, Jr., one of the Solicitors for the Plaintiffs, deposes and says:-

My name is J. E. Beatty. I am 43 years of age and reside Mt. Airy, Carroll County Md. and I have lived there 13 years.

I know all the parties to this suit. Laura Smith died intestate about Six years ago in Frederick County leaving surviving her, her husband William E. T. Smith, who departed this life October 27, 1914, and the following children, and grandchild, her only heirs at law:- Royal J. Smith, one of the Plaintiffs, who intermarried with Cora Smith, one of the plaintiffs, both adults above the age of twenty-one years, residing in Carroll County, Maryland, and Charles A. Smith, who intermarried with India Smith, one of the defendants, both of whom reside in Frederick County, Maryland, and Maud A. Smith, who intermarried with Walter Smith, one of the defendants, Clara E. Clary who intermarried with Maurice E. Clary, one of the defendants, Minnie Minnick, who intermarried with Elmer Minnick, one of the defendants and D. Edgæ Smith, who reside in Carroll County, Maryland, who are defendants and all adults above the age of twenty-one years, her children, and Lavina Smith a grandchild, one of the defendants, who is an infant under the age of twenty-one years, having arrived at the age of eight years in the month of March, 1917, and who is living and resides with her mother Mrs. Annie Burgess in New Market, Frederick County, Maryland. said Lavina Smith, being the only child and heir at law of Earl E. Smith, deceased, who died intestate after the death of his mother Laura Smith. I also know John L. S. Aldridge, one of the Plaintiffs.

I know that the said Laura Smith died seized and possessed of a certain piece of land situate in the town of Mt. Airy, in Frederick County, in the State of Maryland, containing sixty five perches of land, more or less, being a lot of land fronting one chain and ninety-four links on a fifteen foot avenue which runs between the lands of Andrew J. Baker and Thomas P. Mullinix and it is the same land that is fully described in the deed now shown me.

(Here the Attorneys for the Plaintiffs offered in evidence and filed with the Examiner the original of a deed from Agnes V. McClelland and John W. McClelland, her husband, to Laura E. Smith dated the 24th day of February, 1890, marked "Exhibit No. 1"; and also offered in evidence Exhibit A of the Bill of Complaint.)

I know that Laura E. Smith, the grantee in this deed is the same person as the Laura Smith, the mother aforesaid.

The said sixty-five square perches of land, more or less, sold as aforesaid is the land that was conveyed by Agnes V. McClelland and John W. McClelland, her husband, to Laura E. Smith, wife of W. E. T. Smith by deed dated the 24th day of February, 1890, and Recorded among the Land Records of Frederick County, aforesaid, in Liber D. H. H. No. 1, folio 598, which deed is now shown to me.

I know that Annie E. Smith was duly appointed by the Orphans Court of Frederick County, aforesaid, Guardian of Lavina Smith and qualified as such Guardian, and that said Annie E. Smith has since intermarried with George W. Burgess, and is the Mrs. Anna Burgess, named in the Bill of Complaint.