INTERLOCUTORY DECREE &C.,

John Lewis " No. 12194 Equity

vs. " In the Circuit Court

Albert Lewis " for Frederick County, in Equity.

To the Honorable the Judges of said Court:

The defendant has been duly returned summoned and has failed to appear or file answer in this case though the time limited by law therefor has expired and the complainant prays for an interlocutory decree herein.

Samuel A. Lewis

Solicitor for Complainant.

It is thereupon this 4 day of April, 1931 by the Circuit Court for Frederick County, in Equity, adjudged, ordered and decreed that the complainant is entitled to relief in the premises, the allegations of the bill are taken as confessed but because it does not certainly appear to what relief the said complainant is entitled it is ordered that leave be and leave is hereby granted to the complainant to take testimony in this case before one of the standing Examiners of this Court to support the allegations of the Bill of Complaint.

Arthur D. Willard

(Filed April 4, 1931)

TESTIMONY

JOHN LEWIS " NO. 12,194 Equity

vs. " In the Circuit Court for Frederick

ALBERT LEWIS " County, in Equity.

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The above cause standing at issue, and notice being given me by the Solicitor for the Complainant of a desire to take testimony therein, I, Guy K. Motter, one of the standing Examiners of your Honorable Court, duly appointed, qualified and sworn, did, on Saturday, April 18, 1931, at 2 o'clock P. M., at the law office of Samuel A. Lewis, Esq., in Frederick City, Maryland, proceed to take the following depositions of the witnesses then and there produced before me, that is to say,

Present:

Samuel A. Lewis, Esq., Solicitor for Complainant

Complainant and witness.

JOHN LEWIS, Complainant, produced in his own behalf, being first duly sworn, deposes and says:

My name is John Lewis, I reside near Foxville, Frederick County, Maryland, in Hauvers District, and I am the Complainant in this case. I and the defendant, Albert Lewis, are the owners as tenants in common of real estate situated in said Hauvers District. A part of this real estate was willed to me and the defendant, Albert Lewis, by Bernard Lewis, subject to a life estate given to Alfred Lewis, our father. Said will, was probated, a certified copy of which is filed in this case as Exhibit No. 1, which exhibit I now look at and which is a copy of the said Will of Bernard Lewis concerning a part of the real estate which it is the purpose of this bill to sell as a part of the real estate mentioned in this bill. The said Alfred Lewis, our father, has settled up the Bernard Lewis estate and has fully complied with all the requirements contained in this will, which is recorded in Liber W. B. C. No. 1, Folio 568, one of the Records of wills in the office of the Register of Wills for Frederick County. Alfred Lewis died intestate about five years ago, leaving myself, Albert and Hattie Miller, as his heirs-at-law, my mother, the wife or Alfred Lewis, having predeceased him by about five or six years.

Besides the property just described as having been willed to me and the defendant, my father at the time of his death was seized and possessed of several other tracts of land. One tract known as the Moser place, situated and adjoining the tract just described, which formerly belonged