

Testimony Taken May 24, 1922.

JAMES B. COCHRAN, a witness of lawful age, produced on the part of the Plaintiffs, being first duly sworn and examined viva voce, deposes and says as follows:

My name is James B. Cochran. I am 60 years of age, and reside at Rohrerstown, Washington County, Maryland. I am one of the Plaintiffs in this case. The other plaintiffs are my sisters and their husbands. The infants mentioned in the bill, Samuel Butts and Paul Butts, are my nephews, sons of my deceased sister, Addie P. Butts. They are now about 12 and 14 years old, respectively, and live near Gapland, Washington County. One lives with Mr. Burnze Compher, and the other with Mr. Haze S. Mullendor. The Mary Jane Cochran mentioned in this bill was my sister.

My sister, Mary Jane Cochran, died September 28, 1919, seized and possessed of a one-third interest in a small tract of land and improvements in Frederick County, Maryland, which is correctly described in a deed from Thomas Arnold to Margaret Cochran, dated March 9, 1888, which is filed in this cause as Exhibit A, and which I now look at.

Margaret Cochran was my mother and died in 1903, leaving a last Will and Testament by which she devised this house and lot to my sisters Mary Jane Cochran, ^{and} Amanda F. Cochran and my brother, Z. Carlton Cochran, as will appear by a certified copy of the Will filed herewith as Exhibit B. Mary Jane Cochran died, as I have stated, in September, 1919, intestate, unmarried, and left surviving her a sister, Susan C. Mumford, whose husband's name is John W. Mumford, a sister Amanda F. Cochran, who is unmarried, and a sister, Lydia M. Rohrback, whose husband is dead, and myself, James B. Cochran, (I am a widower--my wife died last January), and two infant nephews, Samuel Butts and Paul Butts, children of a deceased sister, Addie P. Butts. Her husband, Samuel Curtis Butts, died about 3 years ago. Mary Jane Cochran, under the will of our mother, Margaret, was entitled to one-third interest of the land mentioned in Exhibit A. She was a tenant in common with her sister, Amanda F. and her brother, Z. Carlton Cochran. My brother, Z. Carlton Cochran, desires to purchase this 1/3 interest in the real estate mentioned in Exhibit A, and