

No. 5387 Equity.

and having given due notice thereof to the parties concerned, did, at the appointed time and place proceed to take the following evidence to-wit:— The Plaintiffs filed with the Examiner as Evidence Exhibits Nos. 1, 2 & 3 which are herewith returned by the said Examiner

Sampson Kima, a Witness of lawful age produced on the part of the Plaintiffs being duly sworn and examined to Interrogatories deposes and says:—

1<sup>st</sup> Int. State whether you knew Daniel Boyer? if yea, is he living or dead; if dead when and where did he die?

Ans. I knew him; he is dead; he died near Sabillasville, on his farm in Frederick County about 1869 I think

2<sup>d</sup> Int. Did the said Daniel Boyer die testate or intestate? If testate look at Exhibit No 3 and say whether or not that is a copy of the same?

Ans. I understood he died with a will. That is a Certified Copy of his Will.

3<sup>d</sup> Int. Did the said Daniel Boyer leave a Widow surviving him?

Testimony If yea, state her name, and is she living or dead? If dead, when did she die, and had she remarried after his death?

Ans. He left a widow surviving him. Her name was Margaret Boyer. She is dead; she died in January or February 1885. She never re-married after the death of her husband.

4<sup>th</sup> Int. Did the said Daniel Boyer die seized and possessed of any real Estate? If yea what was it, where is it situated and what is it worth? Look at Exhibits Nos. 1 & 2, and say whether they describe it?

Ans. He did. It consisted of a farm and some Mountain Land in Stammers District in Frederick County Md. It is worth \$5000.— or \$6000.— Exhibits Nos. 1 & 2 describe said real Estate.

5<sup>th</sup> Int. Did said widow have any of said real estate sold during his lifetime?

Ans. No sir, but there was about 24 acres of it taken for the Western Maryland Rail Road.

6<sup>th</sup> Int. Did said Daniel Boyer leave any children or heirs at law surviving him? If yea, give their names, and the names of their husbands or wives and what heirs at law are now living?

Ans. He did. He left a son named Aaron Boyer who is yet living. A son named Elias Coleman Boyer who died since his father, and left no children. A son Latin St. Boyer whose wife's name is Nellie. A daughter Amanda E. Lantz who is dead leaving a daughter Carrie as her heir at law. A grandson John Boyer whose wife's name is Bettie Boyer, and whose father's name was Benjamin F. Boyer a son of the deceased. A daughter Margaret Boyer who has died without children. A daughter Hulda Smith who is dead leaving the following children, as her heirs at law:— A son, John Smith whose wife's name is Ida M. Smith. A daughter Amanda Ambrose whose husband's name is John Ambrose. A son Elias Smith whose wife's name is Mary. A daughter named Celia whose husband's name is Charles Smith. A daughter Lanna, whose husband's name is David Brown. A son Latin St. Smith, and a son Daniel Smith

7<sup>th</sup> Int. Are all of said heirs at law of age or are any