

No. 5521 Equity.

J. Clayton O'Leary, one of the regular Examiners of said Court duly appointed qualified and sworn having met at my office in Frederick City and fixed the 24th day of May A.D. 1889 at the place aforesaid 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 proceed to take the following Evidence to wit—

The Plaintiff filed with the Examiner as Evidence Exhibits Nos. 1 & 2. which are herewith returned by the said Examiner—

Hamilton Lindsay a witness of lawful age produced on the part of the Plaintiff being duly sworn and Examined, deposes and says—

1st Int. State your name, age and residence and whether you know the parties to this suit?

Ans. Hamilton Lindsay, aged 34 years Frederick City. I know all the parties

2^d Int. Did you know John Lindsay late of Frederick County? If yes, is he living or dead, if dead, when and where did he die and did he die testate or intestate?

Ans. I knew him. He is dead. He died in Frederick County, in November 1887. He died, intestate.

3^d Int. Did he die seized and possessed of any real estate in Frederick County? If yes, state its value, where located and look at Exhibit No. 1. now show you said estate if that described said real estate?

Ans. He did. It is worth about \$1000. and is located in the village of Unionville, Frederick County. Look at Exhibit No. 1. and that describes said property.

4th Int. Did the said John Lindsay leave any children or heirs at law? If yes, state their names, ages and places of residence and if any are married, the same facts of their husbands or wives?

Ans. He did. He left the following—

(1) A son, Thomas O. Lindsay, the Plaintiff.

(2) A son, William M. Lindsay, whose wife's name is Sarah C. —

(3) A son John D. Lindsay whose wife's name is Ruth.

(4) A son Charles E. Lindsay whose wife's name is Nellie.

(5) A daughter Emily Lindsay.

(6) A son Joshua B. Lindsay whose wife's name is Margaret C.

(7) The following grand children, viz— Minnie Crabb and Edward Crabb the children of a deceased daughter Eliza E. Crabb — all of the above children and heirs at law reside in Frederick County except Edward Crabb who is a non resident of Maryland, residing in Staunton Virginia and Margaret E. Lindsay who when last heard from resided in Pittsburg Penn. All are adults excepting the Crabb children.

5th Int. State whether said real estate is susceptible of division among said parties without loss and injury and whether or not it would be to the interest and advantage of all to have the same sold and the proceeds divided and give your reasons for your opinion?

Ans. It is not susceptible of division among the parties without loss or injury because it is too small a quantity of land. I think it would be to the interest and advantage of all to sell it and divide the proceeds because there is a Mortgage on it, when there is no authorized one to pay.

To the Gen. Int. by the name

Ans I do not know of any thing further.

(Signed) Hamilton Lindsay