No. 5810. Equity.

In pursuance of the annexed order of the Court and notice given me by the Solicitor for the Plaintiff in the above entitled Cause I, Clayton O'Neely one of the regular Examiners of said Court duly appointed qualified and sworn, having met at my office in Frederick City and assigned the 28th day of May A.D. 1891 at the place aforesaid as the time and place for taking the testimony in the Cause and having given due notice thereof to the parties concerned did at the appointed time and place proceed to take the following testimony to wit:—

The plaintiff filed with the Examiner as Evidence Exhibits Nos 1, 2, 3 & 4 which are herewith returned by said Examiner

John H. Stitely 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?

Ans. John H. Stitely. Age 64 years. Frederick County.

2 Int. Did you know Samuel Stitely in his lifetime. If yea, 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 June 1890. He left no will.

3rd Int. Did the said Samuel Stitely die seized and possessed of any real Estate situated in Frederick County Md. If yea, look at Exhibits 1, 2 & 3 and state whether they describe the said real Estate and give the value of the same.

Ans. He did. I look at said Exhibits and they describe said real Estate. Exhibits No 1 & 3 Contains about 10¾ acres. Exhibit No 2 is a lot with two houses in it. The House and Lot is in Centreville and the other land is in Johnsville District adjoining Dance Fogle, and others. The whole is worth about $1800.=

4th Int. Did the said Samuel Stitely leave any Children grand Children or great-grand Children as his heirs at law? If yea state their names ages and residences?

Ans. He did. He left the following:—

1. Myself, a son
2. A son Joel A. Stitely whose wife name is Ellen
3. A son Jacob E. Stitely whose wife name is Frances
4. A son Geo W. Stitely, whose wife name is Rosie.
5. A son Samuel A. Stitely whose wife name is Maime
6. A Daughter Catharine R. Zimmerman whose husband is Daniel F. Zimmerman
7. The following Grand Children being the Children and heirs at law of Dabid R. a son of the said Samuel who died previous to his father Viz:
   1 Laura E. Palmer, whose husbands name is James W. Palmer
   2. Isaac Stitely whose wife name is Harriet Stitely.
   3. Nettie Taylor whose husbands name is Oliver Taylor.

8= The following Grand Children and great grand to wit:—
Elizabeth H. Waltz, whose wife name is Sarah E. Waltz
Marshall E. Waltz, whose wife name is Laura
John T. Waltz, whose wife name is Mary J.
Samuel R. Waltz, whose wife name is Isabella, who are the sons and heirs at law of Caroline Waltz a daughter of said Samuel Stitely who died before his father; Also John Grant, Edward