No. 6459. Equity.

your father at the time of her husbands death with the understanding that she might live there the balance of her life, you say that in the way they told me.

Q, it not true that Catherine Hays lived in the home for some years prior to her husbands death?

Ans. Yes Sir. She did live there for some years before her husband died.

2 R. D. Int. That it is not true that she moved there after her husbands death?

Ans. No Sir. she lived there before her husband died but how long I cant tell.

3 R. D. Int. who claimed the ownership of the lot during the life-time of Mrs. Hays and after the death of your father?

Ans. why Aunt Kitty (Mrs Hays) and after her death, I gave me one bill.

To the Gen. Int. by the Exam.

Ans. I dont know of anything further.

Mary E. X his mark Johnson

Int

E. O. Keedy

John T. Johnson a witness of lawful age produced on the part of the Plaintiff being sworn and examined deposes and says as follows:-

1st Int. State your name age & residence?

Ans. John T Johnson, 64 years. Martinsburg W. Va.

2 Int. Are you acquainted with the parties and the property in dispute?

Ans. I know all the parties except the unknown heirs of Benj. Smith. I know the property and am the husband of Mary Catherine Johnson formerly Ebbert.

3 Int. who has claimed title to the property from the time you have known it?

Ans. well the Hays lived there for a long time before I married into the family, after I married into the family I found out my wife had an interest in it. Since then my wife and Wm. F. Hays has claimed it and have paid the taxes on it.

4 Int. How are the lots located?

Ans. The two lots were both surrounded by one fence for years but the fence is now partly rotted or torn down and carried away.

5 Int. Did you ever know of the Pools or Kitty, claiming title to this property prior to the institution of this suit?

Ans. No sir.

Cross Examination by Mr Robinett.

1 X Int. who has paid the taxes in recent years on the property?