No. 7788 Equity.

Exhibit S.

Magistrate's Judgment No 1462 Recorded in Magistrate's Judgment Record No. 5.
Filed with Examiner.
Oct 19, 1904.
Clayton O'Keefe. Examiner

Exhibit T.

Magistrate's Judgment. No. 1468 as recorded in Magistrate's Record No 5
Filed with Examiner.
Oct 19, 1904
Clayton O'Keefe Examiner.

Exceptions to testimony of Defendants.

Filed January 20, 1905

Hamilton Lindsay
Trustee
vs
Robert N. Fahney
and wife.

In the Circuit Court for Frederick County in Equity.

To the Honorable the Judges of said Court.
The Plaintiffs objects and excepts to the Admissibility of the following testimony adduced on the part of the defendants.
1, To the questions and answers from the 13th to the 16th. in Chief. of Robert N. Fahney Concerning the alleged obtention of money from his wife to pay on the property in question. Also the 17th, interrogatory to the same answer thereto. for the following reasons.
(1) Because it does not appear that the money was obtained or paid at the time of purchase of the purchase of the property.
(2) Because if not obtained at the time of the purchase a subsequent trust could only be created in writing. and there was no writing to establish a trust.
(3) Because the Consideration named in the deed is the Nominal. "Consideration of $5 and love and affection". and no evidence is admissible to vary the kind of Consideration named in the deed.
(4) Because the evidence itself is vague and indefinite in that it does not establish when the Money said to have been obtained from the wife