

No 8820 Equity.

11th day of March A.D. 1912, by the Circuit Court for Frederick County, sitting as a Court of Equity, adjudged ordered that leave be and is hereby granted to said Plaintiffs to take testimony before any one of the Standing Examiners of this Court in support of the allegations of the Bill of Complaint.

John C. Matter,

Testimony

In pursuance of the annexed order of the Court and notice given me by the Solicitor for the Plaintiffs in the above entitled case, Clayton A. Keeley, one of the regular Examiners of said Court, duly appointed, qualified and sworn, having assigned the ~~11th day of March~~ 11th day of March 1912, at my office in Frederick, Md. on the time and place for taking 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 testimony to-wit:

Present C. S. Brown, Solicitor for Plaintiff and H. J. Jorgensen, Solicitor for Def't.

The Plaintiffs filed with the Examiner Exhibits Nos. 172 - "J. B. M. E. M." C. A. M. and "C. H. E." which are herewith returned by the said Examiner.

Thomas F. Bivley, a witness of lawful age produced as the part of the Plaintiffs being duly sworn and examined *in-va-voce* deposes and says as follows: -

My name is Thomas F. Bivley, my age is 61 years. I reside at Sadiesburg in Frederick County. I know all the parties to this suit and said mentioned in these proceedings.

I knew Margaret E. Miller in her life time. She was my sister. She is dead. She died in the year 1884, and left no will. She left surviving ~~her~~ husband named George D. Miller and the following children as her heirs at law: -

- (1) a daughter Ellen S. Miller who is ^{an} married adult residing in Frederick County.
- (2) an unmarried daughter Cora May Miller who also resides in Frederick County.
- (3) an adult daughter Annie B. whose husband's name is Albert Cornelius Lyle, but who is commonly called Neely.