

GENERAL REPLICATION.

Harry W. Bowers Esq., Clerk.

Clerk of the Circuit Court for Frederick County.

You will file a general replication to the answer of Tabitha C. Lemen, infant defendant by
Isaiah N. Loy, Guardian ad Litem.

H. Dorsey Etohison
Solicitor for Plaintiffs.

TESTIMONY.

To the Honorable the Judges of the Circuit Court for Frederick County, sitting as a Court of Equity.

This case standing ready to take testimony, the Plaintiff prays the Court to pass an order to refer the cause to one of the standing Examiners of the Court to take testimony in support of the allegations of the Bill of Complaint.

And as in duty. etc.

H. Dorsey Etohison
Solicitor for Plaintiffs.

On this 2nd day of December A. D. 1913, it is ordered by the Circuit Court for Frederick County, sitting as a Court of Equity, that the above cause be referred to Clayton O. Keedy Esq., one of the regular examiners of this Court, to take testimony in the above cause in support of the allegations of the Bill of Complaint.

Glenn H. Worthington.
Judge of the Circuit Court.

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. Keedy, one of the Standing examiners of said Court duly appointed, qualified and sworn having assigned the 4th day of December 1913 at the office of H. Dorsey Etohison Esq., in Frederick Md., as the time and place of taking the testimony in that 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 Plaintiffs filed with the Examiner Exhibits A & B which are herewith by the said Examiner as evidence.

Thomas T. Lemen, a witness of lawful age furnished on the part of the Plaintiffs, being duly sworn and examined viva voce, deposes and says as follows--

My name is Thomas B. Lemen, my age is 50 years, I reside at Martinsburg, West Va., I know the parties to this suit, and I know Willoughby N. Lemen, deceased, mentioned in these proceedings, The said Willoughby N. Lemen was my brother; he resided at Brunswick, Frederick County, Maryland, and he is dead, having died on or about July 25 1913. And he left no will. I am the administrator of his personal estate in Frederick County, Md. At the time of his death the said Willoughby N. Lemen left a widow named Marie B. Lemen and an infant child named Tabitha C. Lemen, who is about 12 years of age as his only heir at law.

The said Willoughby N. Lemen at the time of his death was seized and possessed of two lots in Brunswick, Frederick County, Md., designated as Lots Nos. 1 and 2, in Block 1 in W. W. Wenner's Second Addition to Brunswick, which said two lots are fully described by Exhibit A & B filed with the Bill in this case.

Before the death of the said Willoughby N. Lemen, he had contracted with James M. Johnson a builder and contractor in Brunswick to construct two new houses, and an addition to a house on one of said lots, for the contract price of \$1310.00 and the work was mostly completed on July 25 1913.