

port of the allegations of the Bill of Complaint.

And as in duty etc.

E. L. Coblents.

A. S. Brown

Solicitors for Plaintiffs.

The foregoing petition having been read and considered by the Court, it is thereupon ordered by the Circuit Court for Frederick County, sitting as a Court of Equity, this 2nd day of September A. D. 1910, that leave be and is hereby granted the 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.

Hammond Verner.

TESTIMONY.

To the Honorable the Judges of said Court--

In pursuance of an order of the Court and notice given me by the Solicitor for the Plaintiffs, I Albert S. Brown, one of the Standing Examiners of Your Honorable Court, duly appointed Qualified and sworn did on the 2nd day of September, A. D. 1910, at the office of Emory L. Coblents Esquire in the City of Frederick in the State of Maryland, proceed to take the following depositions of witnesses in this cause as follows--

Present, Mr. Emory L. Coblents, Solicitor for the Plaintiffs.

Exhibits marked nos. 1, 2 and 3 to the Bill of Complaint, are filed with the examiner as evidence and are so marked.

James H. Michael, a witness of lawful age, produced on the part of the Plaintiff, being first duly sworn and examined, deposes and says--

Q. State your name, age and residence and your relations to the parties to this cause?

A. James H. Michael, I am 64 years of age and I reside near Chewsville, in Washington County, of this State. I am the brother of Solomon H. Michael, of Frederick County, Maryland, deceased, and am the executor named in his last will and testament, a certified copy of which is filed in this cause as exhibit No. 3.

Q. When did your brother Solomon H. Michael die and who are his heirs at law and beneficiaries named in his will?

A. He died about the month of October 1899, and he left surviving him a widow, Amanda L. Michael and the following children--An adult son, Charles S. Michael, whose wife's name is Lela Michael who reside in Hagerstown, this State, and they are the plaintiffs in this suit. He also left surviving him a daughter, Rose Elizabeth Michael, whose age is now about twenty years and a son Oscar Hamilton Michael, whose age is about 16 years.

Q. Did your brother Solomon H. Michael die seized and possessed of any real estate in Frederick County, and if yes, please describe the same?

A. He did, he owned a tract of about forty five acres of land which is described in a deed from Ezra Schildknecht and Isaiah Leatherman, executors of William Schildknecht, a certified copy of which deed is filed in this case as Exhibit No. 1 which I look at and which correctly describes the land so far as I know. He also possessed a tract of Mountain Land which he obtained by deed from myself and wife and from Noah W. Myers and May E. Myers, his wife, a certified copy of that deed being filed in this case as exhibit No. 2, which I look at and which so far as I know correctly describes the land mentioned in it. A small tract of mountain land containing two acres more or less, the first mentioned in this deed, Exhibit No. 2, was sold by my brother in his lifetime to Edward J. Muser. The second tract mentioned in this deed, Exhibit No. 2, he owned at the time of his death and it contains 6 acres, 3 rods and 20 square perches of land. This is all the land that my brother died seized and possessed of in Frederick County. Now there was a small tract of Mountain Land containing about two acres that lies just across the line in Washington