

Walter Miller, her husband, Sallie Miner and Walter Miner, her husband, Clara Bachtel, and Jesse Bachtel, her husband, Susan A. Martin, Nellie Martin, Samuel H. Martin and Goldie Martin his wife, but because it doth not appear for a certainty to what relief the plaintiffs are entitled as against said defendants, and the interests of said infant who by his guardian ad litem has filed an answer in this cause, and submitted his rights to the protection of this Court, it is further adjudged and ordered that testimony be taken before one of the standing examiners of this Court to support the allegations of said Bill of Complaint.

Glenn H. Worthington.

In pursuance of the annexed order of the Court and notice given one of the solicitors for the Plaintiffs 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 February 1913 at my office in Frederick City as the time and Place for taking the 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.

The Plaintiff files with the Examiner as evidence Exhibits Nos. 1, 2, & 3 which are herewith returned to said Examiner

George B. Hoover, a witness of lawful age produced on the part of the Plaintiff, being duly sworn and examined viva voce; deposes and says as follows--

My name is George B. Hoover; I am over 21 years of age and reside in Smithsburg, Washington County Md., I am engaged in the business of undertaking. I know Scott T. Martin in his lifetime. He died intestate in August 1912. He was a resident of Frederick County, and left no personal property sufficient to pay his debts and no administration has been granted on his personal estate.

At the time of his death the said Scott T. Martin was seized and possessed of about 8 acres of land situated in Frederick County, Md., and which is correctly described in Exhibit No. 2 filed with the Bill. I was the undertaker who buried the said Scott T. Martin and his estate is indebted to me in the sum of \$75.00, which is correctly set forth in Exhibit No. 1 filed with the Bill of Complaint.

In my opinion the real estate described in Exhibit No. 2 is worth about \$350.00.

To the Gen: Int. by the Exam.

Ans. Nothing further.

George B. Hoover.

Samuel H. Martin a witness of Lawful age produced on the part of the Plaintiff being duly sworn and examined viva voce deposes and says as follows--

My name is Samuel Martin. I am 28 years old, and I reside in Frederick County, Md. I am a son of Scott T. Martin. He died without a will in August 1912 and left no will and left no personal property. No administration was taken out on his estate. He owned at the time of his death the real estate described in Exhibit No. 2 to the Bill of Complaint containing between 8 and 9 acres of land in Frederick County which is worth about \$350 or \$400.

At the time of my father's death he was indebted to me as follows--on a promissory note dated June 15 1911, payable six months after date for the sum of \$153.00 with interest from date, signed by Scott T. Martin and Mary E. Martin, which note is filed herewith marked Exhibit No. 3. This note was given for money loaned by me to my father. In addition to the above he borrowed \$20.00 from me after the note was given for which I have no writing. No part of the above sums or interest have been paid me. My father left surviving him a widow Mary E. Martin, about 60 years