

TESTIMONY.

To the Honorable, the Judges of said Court--

The petition of the plaintiffs in this cause respectfully represents--

That they desire to take testimony in this cause, the same being at issue, and pray that leave be granted them to do so, before one of the standing examiners of this Court

A. D. Willard,

Solicitor for Plaintiffs.

Ordered this 8th day of December, in the year 1913, by the Circuit Court for Frederick County, sitting as a Court of Equity, and by the authority thereof, that leave be granted to the parties to the said cause, to take testimony, as prayed, before any one of the standing examiners, of this Court.

Glenn H. Worthington.

To the Honorable the Judges of said Court--

The above cause being at issue and pursuant to the annexed order of Your Honorable Court, the above cause being at issue and at the request of the solicitors for the parties to this cause, I. D. Princeton Buckey, one of the standing examiners of the Circuit Court for Frederick County, duly appointed qualified and sworn, met at my law office in Frederick City, Maryland, on Wednesday the 10th day of December 1913, at the Hour of 11 o'clock A. M. and then and therein the presence of the solicitors for the Plaintiffs and the defendants, and the witnesses, proceeded to take the following depositions, that is to say--present--

Arthur D. Willard, Esq

Solicitor for Plaintiffs,

Clayton O. Keady, Esq.

Solicitor for Defendants.

The Exhibits filed with the Examiner are herewith returned to Your Honorable Court.

Mrs. Hepsie E. Etchison, one of the Plaintiffs, having first been duly sworn, deposes and says.

My name is Hepsie E. Etchison. I am of legal age and reside in Frederick County, Maryland.

I know all the parties to this cause. I knew George F. Kindley, senior, who was my grandfather, he is dead and died along about the year 1887, and at the time of his death he was seized and possessed of certain real estate consisting of a number of farms in Frederick County, Md. He also left a will which is filed in this cause as Exhibit A. with the Bill of Complaint.

The said George F. Kindley left (5) five children, his wife having died prior to his death.

The children are named in the will. The son Sebastian Kindley who died some years ago left surviving him a widow Mrs. Nancy Kindley, who is now living and resides in Montgomery county, Md. He left no children nor descendants of any children. No children were born of this marriage.

Another son William J. Kindley named in said will died about 15 years ago and his widow is also dead, and he left no child nor children nor any descendants of any child or children.

A daughter Miranda Boyer, whose husband's name was Wesley boyer, both of whom died leaving no children nor descendants of any child or children.

Miranda Boyer died about 10 years ago and Wesley Boyer died on the 4th or 5th of November 1913. Also another daughter Elvira W. Davis, a daughter of said George F. Kindley senior named in said will whose husband's name was Joab W. Davis, senior, both of whom have been dead for some years, and left surviving them the following children and descendants.

Vernon Davis, a son who died prior to the death of his father Joab W. Davis, senior,