

cause, in so far as the same may be taken to deny or avoid the allegations of the Bill of Complaint.

Chas. C. Waters
Chas. McC. Mathias

Solicitors for Complainants.

PETITION AND COURT'S ORDER TO TAKE TESTIMONY.

To the Honorable the Judges of said Court--

The answer of Alfred Davis and Louise Davis, his wife, Grover C. Davis, Hepsie E. Etchison, widow Hepsie E. Etchison, Assignee of Mortgagee, and the Mt. Olivet Cemetery Company, a body corporate, having been filed and a decree pro confesso having been passed against the defendant, Joab W. Davis, Jr., and the said Cause being at issue, the complainants pray your Honors to pass an order referring said cause to one of the Standing Examiners of said Court for the purpose of taking testimony in support of the allegations mentioned in the Bill of Complaint.

And as in duty bound, etc.

Chas. C. Waters

Chas. McC. Mathias
Solicitors for Complainants.

The foregoing petition having been read and considered, it is thereupon this 29th day of November in the year nineteen hundred and twelve, by the Circuit Court for Frederick County, sitting as a Court of Equity, and by the authority thereof, adjudged, ordered and decreed that the above entitled cause be and the same is hereby referred to any one of the standing examiners of this Court for the purpose of taking testimony in support of the allegations contained in the bill of Complaint.

Hammond Urner.

TESTIMONY.

To the Honorable the Judges of said Court--

In pursuance of an order of the Court and notice given me by the solicitors for the Plaintiffs and defendants respectively, I Albert S. Brown, one of the Standing Examiners of Your Honorable Court, did on the seventh day of December A. D. 1912, at the law offices of the Examiner in the City of Frederick, State of Maryland, at the hour of 11.00 o'clock A. M. proceed to take the following depositions of the witnesses in this cause then and there produced before him.

Present--Messrs Charles C. Waters and Charles McC. Mathias, Solicitors for the Plaintiffs, and Messrs. Milton G. Urner, jr., and H. Keiffer Delauter, of Solicitors for Defendants.

Exhibits A. B. C. and D. to the Bill of Complaint were filed with the Examiner as evidence and are so marked.

William K. Davis, a witness of lawful age, produced on the part of the Plaintiffs, being first duly sworn and examined viva voce, deposes and says--

I know the parties to this suit; Joab W. Davis was my father and he died on or about July 3rd 1912 leaving the following children and grandchildren as his heirs at law to wit--

Hepsie E. Etchison, a daughter who was first married to Philimon Smith, and after his death was married to Henry Etchison, who is now also dead; Joab W. Davis, a son who is unmarried and who is now an inmate at Springfield Asylum, but who has never been adjudged a lunatic; William E. Davis a son, who is married and whose wife's name is Mary E. Davis; the following children of Vernon Davis a son who died about four years ago--Alfred Davis a son who is married and whose wife's name is Louise Davis; and Grover C. Davis a son who is unmarried, residents of the State of Indiana. All of the others of the said parties with the exception of the said Joab W. Davis, jr., reside in Frederick County in the State of Maryland. All of these parties are adults over the age of twenty one years.