

State of Maryland, Frederick County towit--

I hereby certify that the foregoing is a true copy taken from Record of Magistrate Judgments No. 7 at folio 148 Judgment No. 540, one of the magistrates Judgment Dockets in the office of the Clerk of the Circuit Court for Frederick County, Maryland, and I hereby further certify that said record contains no entry to show that the Judgment aforesaid has been satisfied either in whole or in part. I further certify that George R. Dennis, Jr., Esquire, by whom the above judgment was rendered and who has thereto subscribed his name, was at the time of so doing a Justice of the Peace of the State of Maryland, in and for Frederick County, duly commissioned and sworn. In testimony whereof I hereunto set my hand and affix the seal of said Court this 14th day of January A. D. 1915.

Harry W. Bowers,

Clerk of the Circuit Court for Frederick County Maryland.

Court Seal.

TESTIMONY.

It appearing from the proceedings in the above entitled cause and the annexed printer's certificate that the order of publication against the Defendant, Charles W. Boyer, has been duly published as therein specified, and that the said defendant has failed to appear in this court, either in person or by solicitor, on or before the 20th day of January A. D. 1915, the time allowed by the terms of the said order of publication.

It is thereupon this 21st day of January A. D. 1915, ordered and decreed that the Bill of Complaint in this case be and the same is hereby taken pro confesso against the defendant, Charles W. Boyer, and that leave be and the same is hereby granted the Plaintiffs, Russell L. Boyer, and Bessie M. Boyer, his wife, to take their proofs before any of the standing Examiners of this Court to support the allegations of their said Bill of Complaint.

Edward C. Peter.

In pursuance of the annexed order of the Court contained in the decree pro confesso in this cause and notice given me by the solicitors for the Plaintiffs, I Clayton O. Keedy, one of the standing examiners of said Court duly appointed Qualified and sworn having assigned the 6th day of February 1915 at the office of Urner & Urner in Frederick Md., as the time and place for taking the testimony in this cause and having given due notice to the parties concerned, did at the appointed time and place proceed to take the following testimony towit.

The Plaintiffs filed with the examiner as evidence Exhibits Nos. 1, 2, 3 and Exhibit A., which are herewith returned to the Examiner.

Milton G. Rice, a witness of lawful age produced on the part of the Plaintiffs being duly sworn and examined viva voce, deposes and says as follows--

My name is Milton G. Rice, my age 69 years, I live in Jefferson, Frederick County, Md., and I am well acquainted with all the parties to this Cause.

I have known Russell L. and Charles W. Boyer for many years. Russell L. Boyer and Bessie M. Boyer, his wife, the Plaintiffs, are residents of Frederick County, now living on the farm mentioned in this case. The defendant Charles W. Boyer also lived on said farm until about the middle of October 1914 when he left the said farm, abandoned his residence thereon and to the best of my knowledge, information and belief went beyond the limits of the State of Maryland, although I do not know his exact whereabouts.

The copy of deed exhibit No. 1 from Harry G. Tritapoe and wife to Charles W. Boyer and Russell L. Boyer now shown me describes the farm mentioned in these proceedings and owned as tenants in common by the said Charles W. and Russell L. Boyer, containing 134 A. 2 R. & 14 per. of land more or less. I have been familiar with the farm for many years and it cannot be divided without loss and injury to the parties interested therein. It has only one set of farm buildings on it. This land has been cultivated as one farm for many years, and when sold and disposed of it should be as a whole. Russell