

lots would be his wives and at her death they would be his; and you stated in the Cross Examination that you thought he intended to make a will to leave the lots to her. What was the idea that you got from him at the time you had this conversation whether or not he had arranged the property so that it would go to her after his death or that he was going to make a will? (Excepted to.)

A. I just judged from his own talk that he had arranged it so that these lots would be hers, because that was what he told me. I supposed the lots would be hers. I supposed that he had arranged that to be so.

To the General Interrogatory.

A. No, sir.

Harvey D. Martz, a witness of lawful age, produced on the part of the plaintiff, having first been duly sworn and examined, deposes and says as follows:-

1. Please state your name, age and residence.

A. Harvey D. Martz; reside in Frederick, Maryland; am 37 years of age.

2. Did you know Mr. Thomas Hickman, who was the husband of Mrs. Gertrude E. Hickman, in his lifetime, and how far did he live from your place of business?

A. Yes, sir. He lived about a half square from my place.

3. Did you see on or about the time that he purchased the lots mentioned in these proceedings, on Hamilton Avenue, and if so, did you have a conversation with him at the time about these lots?

(Excepted to.)

A. Yes, sir. I saw him. He came into my place. He had a shot bag of quarters, dimes and nickles. He asked me if I wanted any change. I told him yes. I don't know whether it \$25. or \$50. I gave him for the change. He said he was going down to make payment on the lots he had bought. \$100. was the first payment, he said. He said that his wife had saved this money up and that was the reason it was in quarters and ten cent pieces. He said he couldn't get any and she left me have here

4. Did he state on that occasion how much the lots cost and how he expected to pay for them?

A. He told me he would pay \$100. down and then he would wait six months until she could draw her money out of the bank to pay the other \$300. He said that would make him a signer because he would be a property owner. He said he would be willing to sign for me to get my license now that they were both property holders.

5. Did he state at that time how the lots were to be bought; I mean in whose name?

(Excepted to.)

A. No, sir, he didn't say.

6. Did you have any future conversation with him at any time about these lots?

A. No, sir. That was the only time. (Cross Examination Waived.)

To the General Interrogatory.

A. I was at the Fair Grounds one day - he helped me out there to run that booze joint - about two or three weeks before he died. We were standing there on the plat waiting for a car, and he said "Over there is my wife and my little home. We're going to build a home over there." He said he would take me over to see it some time. That was all he said. He was a patron of my saloon.

Mr. William G. Zimmerman, a witness of lawful age, produced on the part of the Plaintiff, having been first duly sworn and examined, deposes and says as follows:-

1. You are the Cashier of the Citizens National Bank of Frederick, Maryland, are you not?

A. Yes, sir.

2. Did you know Miss. Gertrude E. Smith, who married Mr. Thomas Hickman?

A. Yes, sir.

3. Did she have an interest account in your Bank, No. 3039C, and if so, how much was there standing to her credit on March 10th, 1913?

A. \$253.17.

4. Look at the check now shown you, marked Exhibit "Check". State if that money was drawn by Mrs. Gertrude Hickman and what amount the check was for.