

trucking and put a man there to work it. I jokingly said that if he was going to put a man there to give me the job. On that occasion, he said pointedly that the pots were not alone his but Gertie's. On another occasion, it was just that was the only he said anything definite.

CROSS EXAMINATION.

- 1X. Mr. Hickman took possession of this property, did he not?  
 A. I guess so; I guess the papers showed he had possession.
- 2X. He built a pig pen on the lots, did he not?  
 A. Indeed, I never saw the lots. It was only a conversation and he merely showed me the papers.
- 3X. Have you never seen this property?  
 A. No, sir.
- 4X. You don't know whether Mr. Hickman improved the property?  
 A. I know he must have improved the lots, because he bought goods from the lots and he must have improved the lots for he grew the goods on them.
- 5X. He used them as his own property to raise produce that he sold to you?  
 A. Yes, sir. And Miss Gertie had charge of the store. They both worked co-jointly together.
- 6X. You didn't see Mr. Hickman pay for this property, did you?  
 A. No, sir.
- 7X. Briefly, all you know about this case is what Mr. Hickman told you in the conversation you have testified to?  
 A. Yes, sir. That is all, and I always thought that Tom very near told the truth when he spoke. I never thought anything else. I was surprised when this case came up, because I always thought the lots were in his and Gertie's names together.
- To the General Interrogatory.  
 A. That is all I have to say.

Whereupon the taking of said testimony was adjourned to a day to be agreed upon by the counsel for the respective parties, and the said Examiner have not been notified or required to take any further testimony by either side, and the Court having passed an order, dated on the fifteenth day of February, 1915, requiring the testimony in the case to be returned; the said Examiner hereby certifies that the foregoing is the testimony in said cause as taken down and transcribed by J. E. Schell Jr., Stenographer, he having been first duly sworn for said purpose, and the signatures of the witnesses to said depositions having been waived by the respective parties; and I herewith return said testimony enclosed to the Court.

Witness my hand this Sixteenth day of February, A.D. 1915.

Clayton O. Keedy  
EXAMINER.

COSTS OF THE AFOREGOING TESTIMONY:

Clayton O. Keedy, Examiner, (one day).....	\$4.00	} Paid by Plaintiff \$9.00, Cost Examr.
J. E. Schell Jr., Stenographer,.....	5.00	
Chas. E. Rutzahn, Witness,.....	.75	
Harvey D. Martz, Witness,.....	.75	
Wm. G. Zimmerman, Witness,.....	.75	
Mrs. Annie Hoffman, Witness,.....	.75	
John MacGill, Witness,.....	.75	

Certified to:-

Clayton O. Keedy  
EXAMINER.

Filed Oct. 26th, 1915.

EXHIBIT "WILL"

I, John Geitner, of Frederick City in the State of Maryland, being of sound and disposing mind, memory and understanding, do make this my last Will and testament, hereby revoking all other Wills and testaments heretofore made by me, as follows:-

1. I direct my Executor hereinafter named to release the Mortgage for Five Hundred Dollars which I hold against John Smith, and that neither the amount of said indebtedness nor any interest thereon shall be charged against said Mortgage in the settlement of my estate for I do hereby forgive and release said indebtedness as fully as if the same have never existed. This I do because of the kindness shown to me for many years by said John Smith and his family and I intend this to be a return