

TESTIMONY

Ada M. Yates and Earl W. Yates and others " No 9852 Equity
 vs. " In the Circuit Court for
 Alonzo Harris et al " Frederick County In Equity
 "

To the Honorable the Judges of said Court

In accordance with an order of the Court and notice given me by the Solicitors for the Plaintiff, I, Albert S. Brown one of the standing Examiners of your Honorable Court duly appointed and qualified did on the 29th day of November A.D. 1918, at the law office of Urner & Urner Esqrs-in the City of Frederick and State of Maryland, proceed at the hour of 2 o'clock P.M. to take the following depositions, ex-parte, that is to say.

Present Mr. M. G. Urner Jr

Solicitor for the Plaintiffs

No appearance for Defendants

Exhibits 1-2 and 3 to the Bill of Complaint filed as evidence and ~~referred~~ ked.

James P. Harris a witness of lawful age produced on the part of the Plaintiff being first duly sworn and examined viva voce deposes and says as follows.

My name is James P. Harris I am 37 years of age and I reside in Urbana District of Frederick County, Maryland and I know all the parties to this cause and the land mentioned in these proceedings-I am the husband of Rachel Eleanor Harris one of the Plaintiffs and am also one of the Defendants in this case. I look at Exhibit No 1 to the Bill it is a certified copy of the Will of Zachariah G. Harris and a codicil thereto filed as evidence in this case I knew the John P. Harris mentioned in said Codicil as Trustee, he lives in Montgomery County, Maryland, I also knew the Joseph C. D. Harris and his wife Rachel mentioned in said Codicil, they are both dead, he died January 4th 1918 and his wife died on August 31st 1918, I am well acquainted with all the parties mentioned in said Codicil as devisees in remainder after the death of Joseph C. D. and Rachel Harris, namely, Ada Harris, Emma Harris, Nellie Harris and Alonzo Harris, all of these persons are living and all of them are considerably more than 21 years of age, the youngest being more than 30 years of age, The said Ada Harris is the Plaintiff named in the bill as Ada M. Yates, her husbands name is Earl W. Yates they both reside in Washington D. C. The said Emma Harris is the Plaintiff named in said bill as Emma P. Williams, her husbands name is Harry Williams and they both reside in Baltimore, Maryland, The said Nellie Harris is the Plaintiff named in said bill as Rachel Eleanor Harris she is my wife, we reside in Frederick County, Maryland, The Alonzo Harris mentioned in said Codicil and a Defendant in said bill is a non-resident of this State and his whereabouts is unknown to any of the parties to this case, none of them have heard from him directly for the last several years, He has been heard of indirectly some three months ago, he was then said to be a resident of San Francisco California. The land devised in the said codicil to John P. Harris in trust and now owned as tenants in common in fee simple by the said Ada M. Yates, Emma S. Williams, Rachel Eleanor Harris and Alonzo Harris is well known to me, I look at Exhibit No 2 to the bill which correctly describes it, it contains 30 acres and 9 perches more or less of land and is improved by a two story log and weatherboarded dwelling house, and a small barn in bad repair, this land adjoins the land on which I now reside, The said land and premises is situate in Urbana District of Frederick County Maryland and is owned as tenants in common by the above named parties cannot be divided without loss and injury, principally on account of its small area and one set of buildings and one spring for water supply, I am the party mentioned as Defendant judgment lienor, the judgment for \$110.00 interest and costs dated March 21st 1914 which I held against the said Alonzo Harris-a copy of which is filed in this case as Exhibit No 3 to the bill, is for an indebtedness the money actually loaned by me to the said Alonzo Harris being the sum of \$110.00 none of this indebtedness has been paid me and the whole amount is now due and owing me by the said Alonzo Harris, In my opinion this land and improvements is worth about \$900.00

Gen Int
 Ans

To the General Interrogatory
 Nothing more

James P. Harris