TESTIMONY

Urner M.Rollins and George W.Peters, " " " " " " Vs. Frank Peach,et al. " " In Equity.

No.11,162 Equity. In the Circuit Court for Frederick County,

The property in question was sold by the Trustees in the above entitled cause to Mrs.Mamie E.Murphy,wife of Charles E.Murphy,on November 6,1925,under a decree for the sale of the property to pay creditors. The purchaser excepts to the ratification of the sale on the grounds that the title is not good and marketable. The record shows that the property was conveyed by deed from a certain Josph Wood to Augustus Boyer by deed dated March 2,1888,and recorded in Liber W.I.P.No.9,Folio 44,one of the Land Records of Frederick County,and that later a certain John W.H.Boyer conveyed the same property to Evan H.Gray and Sarah R.Gray,his wife,by deed dated the 5th day of December,1901, Thereis no record showing in what manner John W.H.Boyer obtained title to the property. The same has been held by the grantees from Boyer from December 5,1901,to the time of the death of the survivor of them,Sarah R.Gray,on April 2,1925,a period of more than twenty-three years.

J.WINDSOR WILLIAMS,sworn,and testifies as follows;

By Mr.Willard;

1. Mr.Willard,will you state to the Court the relationship existing between John W.H.Boyer and Augustus G.Boyer,known as Grayson Boyer?

A. Their father was Mr.James Boyer,and Grayson and Columbus Boyer were brothers to John W. H.Boyer,and they wern't capable of handling money. That isonly my views of it your know. John W.H. Boyer married my sister,and he took this money that his father left and he bought a home for Graysom Boyer and one for Columbus Boyer,in Montgomery County.

By Judge Worthington; Who took this money?

A. John W.H. took the money that was left from his father's estate and Columbus died in Montgomery County,and we had about the same thing as this to happen down there. He just settled up his estate without asking anybody. That's about all I know.

Q. Augustus G.Boyer had-

A. Hr was a deaf fellow and he roamed around the neighborhood-

Q. And he left no children?

A. No.

Q. Was he ever married?

A. No.

Q. He had brothers,John W.H.Boyer?

A. Yes, sir.

Q. Columbus Boyer?

A. Yes,sir,and Tom Webb Boyer.

Q. And a sister,Mrs,-

A. Drusilla Green. Thay had no children.

Q. Is Columbus Boyer dead?

A. All of them are dead but Tom Webb.

Q. Did thay leave any children?

A. John W.H.,left one daughter.

Q. I mean other than John W.H.,did any of them leave any children? Did Columbus leave any children?

A. No.

Q. Did Tom Webb leave any children?

A. He is living yet.