TESTIMONY

ReedT.Thompson,Jr.	"	No.11,603 EQUITY.
Vs.	"	In the Circuit Court for
Ethel I.Kidwiler,et al.	"	Frederick County,in Equity.

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TO THE HONORABLE;

The Judges of the Circuit Court for Frederick County,sitting as a Court of Equity;

In compliance with an order of court and the notice given me by the Solicitor for the complainant (the solicitor for the defendant having due notice thereof),I,Albert S.Brown,One of the standing examiners of your honorable court,did on the Twenty-third day of February,Nineteen Hundred and Twenty-eight,at the law offices of Parcsons Newman,Esq.,in Frederick City,Frederick County,State of Maryland,at the hour of eleven o'clock A.M.proceeded to take the following depositions of the witnesses in this cause then and there produced before him,ex parte, that is to say; Present,Mr.Parsons Newman,solicitor for the complainant. Mr.James M.Mason,JR., for Reed Thompson & others.-

The exhibit marked "Exhibit No.1" to the Bill of Complaint filed with the Examiner as evidence and is so marked.

Thomas J.Burke,a witness of lawful age produced on the part of the complainant,having been first duly sworn,deposes and says;

"My mane is Thomas J.Burke,I am sisty-five years old. I reside at Brunswick,Maryland,and have resided there about thirty years. I am a salesman doe Swift & Company,meat packers. I did not know Frank S.Kidwiler in his lifetime,but I am familiar with the farm which he owned near Brunswick,in Petersville District. I now look at Exhibit No.1,to the Bill of Complaint,which is a Deed to the farm,part of a tract of land called "Hawkins' Merry Peep O'Day" and contains one hundred and twenty-five (125) acres of land,more or less. Frank S.Kidwiler died seized and possessed of the Land described by this deed. I am not acquainted with the relationship of the family,but I understand that there are a large nimber of heirs who are interested in this land. This farm is a hillside farm and rough,and the portion of it tillable when I was last there was only a small garden spot. In my Judgment the farm cannot be divided without loss and injury to the parties interested,and it would be to their advantage and interest to have the farm sold. My reason for saying this is,there is only one house and one set of buildings on the farm and it has always been farmed as one entire farm and cannot be divided among the numerous people who claim an interest in it. In my judgment the farm is worth about twenty-five dollars ($25.00)per acre,or about thirty-one hundred and twenty-five dollars ($3125.00)."

To the General Interrogatory; "Nothing further."

Signature of witness waived.

Jacob H.Moler,a witness of lawful age produced on the part of the complainant,having been first duly sworn,deposes and says;

"My name is Jacob H.Moler, I am seventy-seven years old. I moved to Brunswick in 1895,and am at present Mayor of Brunswick. I have been elected to this office three times. I knew Frank S. Kidwiler in his tifetime. He died,as well as I can recorllect,during September 1927. At the time of his death he owned a farm near Brunswick,part of a tract of land called"Hawkins Merry Peep O'Day" containing one hundred and twenty-five (125) acres of land,more or less,which was conveyed to him by the deed marked "Exhibit No.1",which I now look at and resognize as the deed to this farm. The farm was conveyed to him by George W.W.Frazier.

Frank S.Kidwiler was survived by his widow,Ethel I.Kidwiler; by a brother,Frederick Kidwiler who is married,but I have forgotten his wife's name; a brother,Adam Kidwiler,who is also married,but whose wife's name I have forgotten; a brother,Charles Kidwiler,who is also married,but whose wife's name I have forgotten,who lives near Bakerton,in West Virginia; a sister,Mrs.Ann