

,In pursuance of the annexed order of the Court and notice given by me by the Solicitor for the plaintiff, in the above entitled cause, I Clayton O. Keedy one of the regular Examiners of said Court duly appointed, qualified and sworn having assigned the 31st day of December 1912, at my office in Frederick City, at the time and place for taking the testimony in the cause, and having given due notice to the parties concerned did at the appointed time and place proceeded to take the following testimony to-wit;-

The Plaintiff filed with the Examiner as evidence Exhibit A, B, C. & D, which are herewith returned by the said Examiner.

Edwin C. Markell, a witness of lawful age produced on the part of the Plaintiff being duly sworn and examined viva voce deposes and says as follows;-

My name is Edwin C. Markell, I am 38 years of age and live in Frederick, Maryland, I know all the parties to this proceeding and also all the parties named in the Exhibits filed with the Bill in this case; I also know the tract of land containing 849 A, 2 R. and 29 perches of land of which my father died seized and possessed as mentioned in the Bill and which he devised by his last will and testament of which exhibit A is a Certified copy, my mother Caroline Markell the life tenant mentioned in said will died in the year 1905 The children of the testator my father, Francis Markell left as his children who were living at the time of their mothers death, four sons, viz;- Francis H. Markell, Edwin C. Markell myself, John U. Markell and William A. Markell The said Francis H. Markell conveyed his one fourth interest in said tract of land to the other three brothers by deed of which Exhibit B is a certified copy.

The said John U. Markell one of the said brothers died intestate in the year 1908, leaving a widow Mary G. Markell and two children viz;- Antoinette C. and John Usher Markell as his only heirs at law to whom his one third interest in said land descended both of whom are infants residing with their mother in Frederick County.

Wm. A. Markell and myself conveyed our interest to a strip of land containing 1 Acre and 32.16 perches to the County Commissioners of Frederick County for a public road as shown by Exhibit C. filed with this Bill. I am familiar with the terms of the agreement filed as Exhibit D. with the Bill by which Mary G. Markell the widow of John U. Markell, contracted for herself and her minor children to convey their interest in said strip of land to the said County Commissioners for a public road for the price of \$116.67 ~~\$116.67~~ It will be the interest and advantage of both of said infants and the mother to have said sale ratified and confirmed by the Court because it will make the approach to the new Bridge erected in recent years over the Monocacy of Reich's ford more accessible from the buildings and dwelling on said farm, and this adds to the more convenient occupancy of the place I think the consideration mentioned in said agreement a fair and reasonable price, in fact a good price for the ground.

To the Gen. Int. by the Examiner.

Ahs. I can not.

Edwin C. Markell

Thomas A. Chapline a witness of lawful age produced on the part of the Plaintiff being duly sworn and examined viva vice deposes and says as follows;-

My name is Thomas A. Chapline my age is 41 years I reside in Frederick, Md. I know all the parties to this suit, I know the farm of over 800 acres mentioned in these proceedings, in which Mary G. Markell widow of John U. Markell and her two infant children, Antoinette C and John Usher Markell own and undivided one third interest. I am familiar with the strip of land intended to be sold to the County Commissioners of Frederick County for a public road to be used as an approach to the Bridge at Reich's ford and running through a part of this land.

I think the contract price of \$116,67 for the undivided one third of Mary G. Markell and her said infant children in said strip a good price and it would be to the best interest and advantage to have said contract of sale confirmed by the Court.