

T E S T I M O N Y.

Grace A. Cox and Clement P. Cox, her husband, et al.	:	No. 12,410 Equity.
	:	In the Circuit Court for Frederick
vs.	:	County, sitting as a Court of Equity.
John W. Fisher (unmarried) et al.	:	
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TO THE HONORABLE THE JUDGES OF SAID COURT:

The above cause being at issue and notice having been given to me by the solicitors for the plaintiffs of a desire to take testimony in said cause, I, Albert S. Brown, one of the standing examiners of the Circuit Court for Frederick County, duly appointed, qualified and sworn, met at the law offices of D. Princeton Buckey and Holden S. Felton on Thursday, August 4th, 1932, at the hour of eleven o'clock A. M., and then and there in the presence of the solicitors for the respective parties and the witnesses proceeded to take the following deposition, that is to say: Present: D. Princeton Buckey, Solicitor for the plaintiffs, Holden S. Felton, Alton Y. Bennett and Samuel A. Lewis, Solicitors for the defendants:

John W. Fisher, one of the defendants, a witness of lawful age, produced on the part of the plaintiffs, having first been duly sworn, deposes and says:

"My name is John W. Fisher, I am a first cousin of John W. Fisher, deceased, who died intestate at Frederick County, Maryland, on or about the 16th day of June, 1931.

John W. Fisher was never married, and, at the time of his death, he was man of sixty odd years of age. He was a son of John Fisher and Catherine E. Fisher, and his father, John Fisher, died many years ago and predeceased his wife, Catherine E. Fisher. Catherine E. Fisher, his mother, the survivor of his parents, died intestate about thirty years or more ago, leaving John W. Fisher, deceased, as their only child and heir at law. This John Fisher whom I have stated died intestate left no children, grandchildren or descendants whatever, and his nearest heirs at law and next of kin are first cousins. At the time of the death of Catherine E. Fisher, who died intestate, as I have before stated, leaving John W. Fisher as her only heir at law, she was seized and possessed of two tracts and parcels of land situate, lying and being in Buckeystown District, Frederick County, Maryland, near Point of Rocks.

I look at Exhibits filed in this cause Nos. A and B, and they correctly described this real estate, and both of them are adjacent to each other, and the two together constitutes one tract of land. The one tract contains three (3) acres, three (3) roods and eight (8) perches of land, more or less, in Exhibit A, and the other tract, which is correctly described in Exhibit B, contains nineteen (19) acres, three (3) roods and twenty (20) perches of land, more or less. There were two houses on this land, but the original mansion house is dilapidated to the extent that it is untenable, and there is another small house on this land that has until recently, about the past five or six months, been occupied by a family, but I do not know who collected the rent.

This John W. Fisher, who died, as I have hereinbefore stated, leaving no descendants and having inherited this property from his mother, Catherine E. Fisher, he being her only heir at law and next of kin, as there were none others, left surviving him as his heirs at law and next of kin the following persons:

(1) Grace A. Cox, whose husband's name is Clement P. Cox; Eva V. Duvall, whose husband's name is Nathan Duvall; Edward L. Fisher, whose wife's name is Elizabeth Fisher; Minnie E. Howard, whose husband's name is James A. Howard; being the four children, with their husband's and wives, of David E. Fisher, deceased, and first cousins of John W. Fisher, the deceased in this proceeding.

(2) Myself, John Fisher, unmarried; Blanche Engle, whose husband's name is Lewis Engle; Ella Kabrick, whose husband's name is William Kabrick. We three are the surviving children