

witnesses in this cause then and there brought before me.

Present :

Sherman P. Bowers, Attorney for Complainants.

Ezra P. Horton, one of the Complainants.

F. Loraine Simpson, Witness.

Ezra P. Horton, one of the Complainants in this cause, being first duly sworn, deposes and says as follows:

My name is Ezra P. Horton, I am 56 years of age. I now reside near New Windsor, in Carroll County, Maryland.

I have been a farmer practically all of my life up until about nine years ago, since which time I have been working in the Railroad Shops at Union Bridge, Maryland. I moved to my present home near New Windsor March 15, 1935, from the Uriah Six farm of 30 acres, more or less, situated near Clemsonville, in Johnsville District, in Frederick County, Maryland, where I had lived since 1901.

My Grandmother, Sarah A. Garber, owned this farm at the time of her death, which occurred in about 1904. My Grandmother left a Last Will and Testament; which has been duly filed in the Office of the Register of Wills for Frederick County, Maryland, in Liber C. E. S. No. 1, folio 555, and I offer certified copy of the same herewith, marked exhibit "Will D", as evidence. This "Six Farm" was devised unto my mother, Ida Horton, with remainder unto her children namely Ezra Horton and Ethel Horton, in fee simple. My mother, Ida Horton, died interstate on or about March 23, 1934. My wife, Mary E. Horton, and I are not living together at this time. My sister Ethel, died on or about November 3, 1918, leaving as her only heirs at law and next of kin, her husband, William J. Strine and daughter, Minnie Ethel Strine, who is at this time 18 years of age, an infant under the age of 21 years and who is living with her father, the said William J. Strine, near Johnsville, in Frederick County, Maryland.

I also offer as evidence the deed from James G. Six to Sarah C. Garber (which should have been Sarah A. Garber) dated April 13, 1901, and duly recorded in Liber D. H. H. No. 11, folio 237 &c., one of the Land Records of Frederick County, Maryland, marked exhibit "Deed A".

My said Grandmother, Sarah A. Garber, owned also at the time of her death a certain wood lot, situated in Franklin District, Carroll County, Maryland, near Franklinville, containing 8 acres, 1 rood and 38 square perches of land, more or less, as described in the Deed from Thomas C. Porter and David E. Stem, to Sarah A. Garber, dated June 4, 1889, and duly recorded in Liber W. N. M. No. 70, folio 568, one of the Land Records of Carroll County, Maryland, which deed I hereby offer as evidence, marked exhibit "B", for ten acres, one rood and 38 square perches of land, less 2 acres, more or less, sold off therefrom by the said Sarah A. Garber, unto Lewis C. Franklin, by deed dated November 26, 1889, and duly recorded in Liber W. N. M. No. 70, folio 369, one of the Land Records of Carroll County, marked exhibit "C", certified copy of which deed I hereby offer as evidence.

The Alfred Bankard Farm was sold by my mother, life tenant, myself and wife, Mary E. Horton, and Ethel E. Strine and her husband, William J. Strine, unto David Rigler and E. Virginia Rigler, his wife, by deed dated March 30, 1916, and duly recorded in Liber No. 316, folio 461, one of the land Records of Frederick County, Maryland, certified copy of which deed I offer herewith as evidence marked exhibit "Bankard Farm Deed".

The "Six Farm", in Frederick County, Maryland, contains 30 acres all tilable. It lies near Clemsonville along the public road leading from Clemsonville to Johnsville. It is improved by a 2½ story weatherboarded house containing five rooms, basement and cellar, and a frame bank barn and other out buildings. It ought to bring around \$1400 or \$1500 at public sale.

The mountain lot in Carroll County contains mostly oak timber, in fair condition. This lot at public sale should bring around \$240.00