

Cyrus A. Hays, one of the plaintiffs, a witness of lawful age, having been sworn, testified on behalf of the plaintiffs as follows:

Questions by Walter E. Sinn, solicitor for the plaintiffs.

Q. Please state your name and residence.

A. Cyrus A. Hays. I reside near Garfield, Frederick County, Md.

Q. Are you one of the plaintiffs in this case?

A. Yes

Q. When did Herman Homer Hays die?

A. January 30, 1947.

Q. Did Herman Homer Hays leave a Will?

A. No. He left no Will.

Q. What real estate did Herman Homer Hays own at the time of his death in his individual name?

A. A small farm containing thirty-two acres, more or less, improved with a log house containing six rooms, spring house, smoke house, chicken house and hog pen, situated on the Spruce Run Road about one and one-half miles south of Garfield, in Frederick County, Maryland. About five acres are tillable, and the balance is in timber consisting principally of poplar and oak.

Q. I show you a certified copy of a deed dated January 11, 1936, from Cyrus A. Hays and others to Homer Hays recorded among the land records of Frederick County, Maryland, in Liber 358, folio 29, which was filed as "Plaintiffs' Exhibit No. 1" to the Bill of Complaint in this case. Does this deed convey the title to the real estate owned by Homer Hays in his individual name at the time of his death?

A. Yes

(certified copy of the deed dated January 11, 1936, from Cyrus A. Hays and others to Homer Hays, recorded in Liber 358, folio 29, one of the land records of Frederick County, Maryland, offered in evidence and marked "Plaintiffs' Exhibit No. 1")

Q. Was Herman Homer Hays<sup>was</sup> married?

A. No

Q. Who are the heirs-at-law of Herman Homer Hays and where do they reside?

A. I am one of his brothers and reside near Garfield, Frederick County, Maryland, and my wife's name is Cora D. Hays; Mollie M. Minnick, a sister, of near Reid, Washington County, Maryland; whose husband's name is James P. Minnick; John O. Hays, a brother, who resides at 467 East Green Street, Westminster, Carroll County, Md., whose wife's name is Susa Hays; Oscar L. Hays, a brother, who resides near Middle Point, Frederick County, Md., whose wife's name is Lizzie E. Hays; William T. Hays, a brother, who resides near Garfield, Frederick County, Maryland, whose wife's name is Alma Hays; Kenneth Lewis, a nephew, son of a deceased sister, Annie H. Lewis, who departed this life intestate on November 21, 1935, whose wife's name is Mildred Lewis, and who resides near Middle Point, Frederick County, Maryland; James Lewis, a nephew, son of a deceased ~~sister~~ sister, Annie H. Lewis, who departed this life intestate on November 21, 1935, whose wife's name is Gloria Lewis, and who resides near Garfield, Frederick County, Maryland; Mark Lewis, a nephew, son of a deceased sister, Annie H. Lewis, who departed this life intestate on November 21, 1935, and who is unmarried and resides near Garfield, Frederick County, Maryland; Edna Winfield, a niece, daughter of a deceased sister, Annie H. Lewis, who departed this life intestate on November 21, 1935, and whose husband's name is