October Term 1871.

Cullison & others: Caveators vs. George L. Stockdale	In the Circuit Court for Howard County. Transcript of proceedings of Circuit Court for Carroll County upon issues

from the Orphans Court of Carroll County.

After the jury had been sworn to try the issues in this case the caveator by his counsel moved the Court for leave to open and conclude the cause upon the issues aforesaid before the jury. but the Court being of opinion that the caveators were entitled to open and conclude upon the issues before the jury overruled the motion and refused to allow the caveators to open and conclude, and thereupon the caveator excepted and prayed the Court to sign and seal this his first bill of exceptions, which is accordingly done this 16th day of September 1869.

(Seal)
Wm. H. Hayden (Seal)
E. Hammond (Seal)

2nd Exception

At the trial of this cause the caveators to sustain the issues upon their part joined proved by a competent witness the death of Aaron Stockdale on the first of October 1867. and then proved that Elizabeth Stockdale his widow and George L. Stockdale the caveator applied for letters of administration which were granted by the Orphans Court of Carroll County on the 11th of October 1867. and that a warrant of Appraisement was on the same day issued to Jacob Miller and Zachariah Ebaugh and that on the 28th of October the paper writing in issue in this cause was offered for and admitted to probate in common form by the Orphans Court of Carroll County and letters testamentary were thereupon granted to George L. Stockdale the caveator, and then read in evidence to the jury the following paper writing purporting to be the last will of Aaron Stockdale, (see copy of will on

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page — of this record) and then offered evidence tending to prove that the signature of Aaron Stockdale subscribed thereto was not the genuine hand writing of the said Aaron Stockdale but was a forged and counterfeited "A" signature; They then offered further evidence tending to prove that signatures of the several subscribing witnesses thereto were not the genuine signatures of the said several witnesses whose signatures they purported to be, but that each and every of said signatures were forged and counterfeited. They further offered evidence by competent witnesses tending to prove that each and every of said subscribing witnesses had deceased to wit, that Reuben A. Troyer had deceased on the first of March 1861. and that Jacob A. Troyer had deceased in the year 1864. and that Jacob Hildebrand had deceased at Murfersboro in Tennessee in the year 1863. They further offered evidence by competent witnesses tending to prove that said Jacob Hildebrand, one of said supposed subscribing witnesses, had departed from the State of Maryland sometime about the first of March 1860. and had never returned to the State after that time, and that he was absent from this state residing in the state of Illinois on the 12th of January 1861. the date of the said paper writing purporting to be the will of the said Aaron Stockdale. The caveators then further offered evidence of William H. Watkins, Benjamin H. Dorsey and Theodore Glossler, that they were familiar with handwritings having by a long experience in handwritings obtained adequate skill in determining the genuiness of handwriting, and that in the opinion of the said witnesses the body of said paper writing and the signatures thereto were all written by the same person, and that the signatures of the supposed testator, and the several supposed subscribing witnesses were not their or either of their genuine but were forged and counterfeited signatures. The caveators then further proved by Lewis Mayerly a competent witness that