

late but for many years prior thereto
 & am perfectly familiar with and
 know the hand-writing and the signa-
 ture, said Martha T. Hitchcock.
 I have frequently seen her write and
 seen writings purporting to be hers,
 upon which she has acted, and
 which she has recognized as such and admitted
 to be her own, and have thus acquired
 a knowledge of her hand-writing.

The papers shown are, namely, the
 instrument filed in this Court on the
 30th day of August 1899 purporting to be
 her last Will & believe to be such &
 assert is entirely untrue, falsified and
 signed by the hand of the said Martha
 T. Hitchcock herself.

I was intimately acquainted with
 said Eugene R. Garber, who is one of the
 subscribing witnesses to said Will. I have
 frequently seen him write and seen writ-
 ings purporting to be his, upon which he
 has acted and which he has recognized
 as such, and admitted to be his own, and
 have thus acquired a knowledge of his
 hand-writing.

I now assert and declare the signature
 of Eugene R. Garber subscribing to said instru-
 ment is in the hand-writing of said Eugene
 R. Garber and in his signature, and said
 said signature was made in my presence
 on said 30th day of March 1894. Said
 Eugene R. Garber died in the City and County
 of San Francisco in the month of July 1896.

I, Gary Friedman, Clerk,
 Subscribed and sworn to in open Court before me
 this 13th day of September
 A.D. 1899.

John W. Pearson, Clerk
 By Jas. R. McAlary, Deputy, Clerk

On the Superior Court of the State of
 California in and for the City and County
 of San Francisco.

On the Matter of the Estate of
 Martha T. Hitchcock, Deceased }
 Antoinette J. Suberling }
 Intervenor }

State of California } s.s.
 City and County of San Francisco }

David S. Lissak of lawful age and
 a competent person being duly sworn
 in open Court testifies as follows:

I reside in the City and County of
 San Francisco, State of California and
 am of the age of about 50 years,
 & know Martha T. Hitchcock on the
 30th day of March 1894, the date of the
 instrument now shown to me, marked
 marked as filed in this Court on the
 30th day of August 1899 purporting to be
 her last Will, and Testament of said
 Martha T. Hitchcock, Deceased.

I am one of the subscribing witnesses to
 said instrument. I also know at the
 date of said instrument Eugene R. Garber
 and Gary Friedman, the other subscrib-
 ing witnesses to said instrument.

The said instrument was signed by the said
 Martha T. Hitchcock at her apartment in the
 Palace Hotel in said City and County of San
 Francisco on the said 30th day of March
 1894, the day it being duly in the
 presence of Eugene R. Garber and Gary Friedman,
 Garber and Gary Friedman, and I, David S. Lissak,
 said instrument was first delivered to me
 the agent to be here last of the said
 said instrument was first delivered to me
 signed the same and returned to the
 said Eugene R. Garber and Gary Friedman
 and to them and to them and to them and to them

our names as witnesses to the said instrument.

At the time of the execution of said instrument, to wit, on the 20th day of March 1894, said Martha T. Hitchcock was past the age of 18 years, to wit, of the age of 76 years, as thereabout said, and was of sound and disposing mind and not acting under duress, menace, fraud, undue influence or misrepresentation.

I was intimately acquainted with said Martha T. Hitchcock, not only on the day said instrument bears date, but for many years prior thereto.

I am perfectly familiar with and have the handwriting and the signature of said Martha T. Hitchcock. I have frequently seen her write and sign writings purporting to be hers, upon which she has acted and which she has recognized as and admitted to be her own, and hence I have acquired a knowledge of her handwriting. The paper shows only, namely, the instrument filed in this Court on the 30th day of August 1899, purporting to be her last Will & bequeath to be and is actually written, dated and signed by the hands of said Martha T. Hitchcock herself.

I was intimately acquainted with said Eugene C. Garwood, who is one of the subscribers witnesses to said Will. I have frequently seen him write and sign writings purporting to be his, upon which he has acted and which he has recognized as and admitted to be his own, and hence I have acquired a knowledge of his handwriting.

I have seen and signed the signature of Eugene C. Garwood subscribing to said instrument on the handwriting of said instrument, and I have seen and signed the signature of said

said Eugene C. Garwood died in said City and County of San Francisco in the month of July 1898.

Done S. Lissak.

Subscribed and sworn to in open Court, before me this 12th day of September, A.D. 1899.

John J. Deane, Clerk.

By Jas R. McElroy, Deputy Clerk.

In the Superior Court of the State of California in and for the City and County of San Francisco

In the Matter of the Estate of Martha T. Hitchcock, Deceased } Certificate of Probate of
Last Will and Testament of said Martha T. Hitchcock

I, James M. Gould, Judge of the Superior Court of the State of California in and for the City and County of San Francisco, do hereby certify that on the 20th day of September, A.D. 1899, the above instrument was admitted to probate as the last Will and Testament of Martha T. Hitchcock deceased.

That the testimony taken in the Probate of said Will has been reduced to writing and signed by the witnesses respectively, and filed in Court, and from the proofs taken and the examinations had therein, the said Court finds as follows:

That said Martha T. Hitchcock died on the 22nd day of August 1899 in the City & County of San Francisco, State of California, and that the time of her death was a resident of said City & County of San Francisco in said State of California. That said deceased was duly married by the said James M. Gould, Judge of the Superior Court of the State of California, on the 20th day of August 1894 to Eugene C. Garwood, who is one of the subscribers witnesses to said Will.

to be his Last Will and Testament, and the said witnesses attested the same at his request, in his presence and in the presence of each other, and was and is entirely written, dated and signed by the hand of the said testatrix herself, Margaret Fitchman, and is the last Will of said testatrix.

By Charles Henry, I have signed this Certificate as Clerk of the Court, to be attested by the Clerk of this Court, under the Seal thereof this 12th day of September 1899.

Geo. W. Truitt

Judge of Supreme Court.

Attest,

By Geo. W. Truitt, Clerk
By Geo. R. McElroy, Deputy Clerk.

Seal

"Budget"

Filed Sept. 12 1899

Geo. R. McElroy

By Geo. R. McElroy

Deputy Clerk.

In the Superior Court of the State of California, in and for the City and County of San Francisco.

In the Matter of the Estate

Margaret Fitchman,
Deceased.

John Huntington Clerk to
Probate of Wills
Presenting

The petition of Edward A. Hunt for file of and the above entitled matter praying for the admission to probate of a certain document, filed herein, purporting to be the last Will and Testament of Margaret Fitchman, deceased, and to be appointed Executor thereof, and that the said document be admitted to probate, and that the said Edward A. Hunt be appointed Executor thereof, and that the said document be admitted to probate, and that the said Edward A. Hunt be appointed Executor thereof.

was produced and filed herein on the 30th day of August 1899 and that the Clerk of this Court did read and file the same in the Court for the 2nd day of September 1899, at 10 o'clock A.M. of said day, and that notice of the hearing has been given by said Clerk by publishing the same in a newspaper in the City and County of San Francisco and that said notice was so published that there was at least two days from the first to the last day of publication, the first of said day being inclusive, and that a copy of the notice of the time appointed for the probate of said Will was personally served, at first time upon before the said day of the hearing, of said petition of Edward A. Hunt, the only heir of said testatrix, and that notice has been duly given of the time and place appointed for proving the said Will at the hearing, and said petition in all respects according to law, to all persons interested; and after examining the said petition and being satisfied and being fully satisfied by the subscribing witnesses to said Will from which it appears that said document is the last Will and Testament of said Margaret Fitchman, Deceased, that it was executed in all particulars as required by law and that the said testatrix at the time of the execution of the same was of sound and disposing mind, and not acting under any undue influence, fraud, duress, and that the said Will was on or about the 22nd day of August 1899 that she was a resident of the City and County of San Francisco, State of California, at the time of her death and that the same is a true and correct copy of the original of said Will.