

No 7786. Equity.

TESTIMONY, filed
by D. Princeton Buskey
Examiner.

J. Howard Creager

vs.

Effie D. Creager, widow.
et al.,

No. 8876. Equity.

In the Circuit Court for Frederick County,
in Equity.

To the Honorable the Judges Of said Court,

The above cause being at issue, and a notice having been given to me by the Solicitor for complainants, of a desire to take testimony, in said Cause, leave of the Court having been first had and obtained, I.D. Princeton Buskey one of the standing Examiners of this Circuit Court for Frederick County, Maryland. duly appointed qualified and sworn, met at my law Office, in Frederick City, Maryland. on Thursday the 15th, day of August 1912, at the hour of 9 o'clock A.M. and divers days thereafter, and then and there in the presence of Vincent Sebald Esq., Solicitor for the complainants, and the witnesses proceeded to take the following depositions, that is to say:-

Present, Vincent Sebald, Esq.,

Solicitor for Complainant. and the Witnesses,

(Exhibits filed and returned Herewith,)

Cyrus E. Shuff, a witness of lawful age produced on the part of plaintiff having been duly sworn deposes and says:-

My name is Cyrus C. Shuff, I am 52 years of age, I reside in Sabillasville this County, I am a Farmer, I know all the Parties to this suit, I knew J. Wesley Creager in his life time he is dead, and died the 7th day of April 1910. at Thurmont. Maryland. he left no will but died intestate, The Said J. Wesley Creager, left surviving him a widow, Effie D. Creager, who is now living and she was 45 years of age, her last birth day -- and she lives in Thurmont, Frederick County, Maryland, I know all the Children and heirs at law, I am familiar with and knew all the real estate, mentioned and described in this cause I have marked, are the same for the past eighteen years, the farm of about 200 acres and the farm of 100 acres and the one of about twenty acres are worth about -10,000, I think that would about cover them,

I know the two lots in Thurmont. they are worth \$300,- anyhow.

Exhibits Nos. 40 to 51, now offered in evidence and filed with Examiner, and also Exhibits, 1, A, B, C, 40 A, 41, B, 42 A, 43 A, 43 B, 43 C, 44 A, and Exhibits C.S, J.G.M. 1, T G. M, 2, J, 1, C. M.E.R. M.D. & M.H.F. - 50, A, 50, b. all offered and filed in evidence)

I know all the mentioned land in Frederick County, there are 40 Add tracts, same adjoining each other, net, all of this land is worth about from \$3000 -to 5000,

I know the land in Washington County, it contains about 200 --the remaining balance and it is worth about \$400 as a great deal of timber has been cut off of it,

The tract mentioned and described in Exhibit No. 31, J. Wesley Creager, told me that he had sold the same to his son J. Howard Creager, about five year ago for about \$400. I knew that J. Howard Creager took possession of this tract, it contains about 4 acres, there were two small tracts -

and J. Howard Creager has built a House and stable and other out buildings, on the lots or lot and he has been in possession of the property so built, by him and has been living in it ever since.

This real estate is not susceptible of division or partition among the heirs at law, without loss and damage to them, and in my opinion it would be to the interest and advantage of all the parties and especially the infants for all the real estate to be sold by the Court and the proceeds divided amongst them according to their rights, and interests.

The property is of different sizes and of different kinds, and value and it would be impossible to divide it without loss and injury to the parties.

To Her interrogatory

Cyrus C. Shuff.

M. Luther Creager a witness of lawful age produced on the part of the Plaintiff, having been duly sworn, deposes and says, -----

My name is M. Luther Creager, I am 46 years of age, reside in Thurmont Maryland, and I am a furniture dealer, and Undertaker --I know all the parties to this suit, I. Knew J, Wesley Creager in his life time, he was my Brother, He died intestate April 1910. at Thurmont and left surviving him