

No. 9889. Equity.

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taking of the testimony.

The Plaintiff filed with the Examiner as evidence Exhibit "A, B, C. and W, W, Will, which are herewith returned by the said Examiner,

George A. Whalen A witness of Lawful age, produced on the part of the Plaintiff being duly sworn, and examined, viva-voce deposes and says as follows:-

My name is George A. Whalen, I am 56 years of age, and reside at Burkettsville, Md. I know all the parties to this suit.

My Father and Mother were the William Whalen and Jane P. Whalen, his wife, mentioned in the Bill of Complaint, in this case. they are both dead, My Father died in the year 1916, and my mother died in the month of November, 1917,

My Father at the time of his death was seized and possessed of a house and lot of ground, situated at point of Rocks in Frederick County, containing about one fourth of an acre, of land, and which is described in the deed to him from Cyrus F. Hamilton, a certified Copy of which deed is herewith filed marked Exhibit C. the property is improve by a two-story weather boarded House, with four rooms and an out building, and a shed built by Thomas Potts, worth about \$50.00 the property is worth about \$500.00 when my father died he left a will, of which Exhibit W, W, Will, is a copy of which he left all of his real and personal property to his widow, Jane P. Whalen, My Father and mother were on a note as joint makers, for my Brother Calvin E. Whalen, for a house which my said Brother bought from Mr. D.Z. Padgett, I look at Exhibit B. now shown me and believe that is the Note,

Neither my Father or Mother left any personal property, sufficient to justify an administration and in consequence no letters were granted, on the personal estate of either to any one,

My Mother at the time of her death left the following named children, as her only heirs at law, all of whom now are over 21 years of age,

- (1) William <sup>Whalen</sup> whose wife's name is Ida Whalen,
- (2) Calvin Whalen whose wife's name is Ida Whalen,
- (3) John Whalen whose wife's name is Ada Whalen,
- (4) Anna Ambush, whose husband's name is Arthur Ambush,
- (5) Ellen Bowen whose husband's name is G. M. Bowen
- (6) Mida P. Shelton whose husband's name is Samuel Shelton,
- (7) George A. Whalen whose wife's name is Altie G. Whalen.
- (8) Jennie Thomson who was a widow and is now the wife of Robert Thomson.
- (9) A grand daughter, the daughter of Charles E. Whalen deceased son of William

Whalen. and is thenew the wife of Emanuel Herred, all of these Children and grand child live in Frederick, County except, the Sheltons who live in New Jersey and who have filed their answers in this cause,

The thomas Potts mentioned in these proceedings is now about 75 years of age.

To the general inter by the Examiner.

Ans- nothing further.

Geo. T. Whalen.

Ella Bowine a witness of lawful age, produced on the part of the Plaintiff, being duly sworn and examined viva voce deposes and says as follows:-

My name is Ella Bowine; my age about 34 years, I Knew all the parties to this suit. I am a daughter of the John Whalen, and Jane P. Whalen, mentioned in these proceedings, my father died in 1916, and My Mother in 1917, and my father left a Will, of which Exhibit, W, W, Will is a Copy.

My father and Mother were on a note to Mr. D.Z. Padgett, given jointly, with my Brother, Calvin for a home which my Brother bought, bot of Mr D.Z. Padgett. I look at Exhibit B. and believe that is the original, note, I live in the house on the lot mentioned, in these proceedings,

Thomas Potts has a shed-like building, at one end of the House, with two rooms, Both on the same floor, in which he lives and has been living there for at least 15 years,

My Mother at the time of her death left the children and Grand-Child, mentioned, in the preceding witness, which I have heard, and all of them and their husbands, and wives names, as therein mentioned, are over 21 years of age,

Neither my Father Nor My mother left any personal estate, sufficient to justify and administration thereon, no letters on the personal estate of either of them were granted, to any one,

to the Gen. Inter by the Examiner

Ans; Nothing Further

Ella Bowine.