

No. 7282 E

George F. Smith a witness of lawful age produced on the part of the plaintiffs having first been duly sworn and examined viva voce deposes and says:-

1st State your name, age and residence;

Ans. George F. Smith, age 67 years and I reside near Walkersville, Frederick County, Maryland.

I am the husband of Margaret A. Smith guardian plaintiff and uncle to the infant defendant Anna M. Hammer who has her home at my house, and who is now 15 years of age. Her father John H. Hammer died about 15 years ago having a last will and testament a certified copy of which is herewith filed with the examiner as evidence and marked Exhibit No. 2, which I look at and recognize as a copy of his last will and testament.

His wife Elizabeth L. Hammer died intestate during the month of August 1900 their only heir at law being the infant defendant Anna M. Hammer the devise mentioned in said will, said John H. Hammer died seized of the tract of land mentioned in said will as containing about 15 acres of land which was devised to his wife Elizabeth Hammer during her life time and at her death in fee simple to the infant defendant this tract of land is improved with a story frame house which has been under rental most of the time for the last 15 years and has been vacant for the last 4 or 5 months not being able to tenant the same on account of the dilapidated condition of the dwelling and which building is not in a fit condition to rent without the expenditure of considerable money for repairs and the infant defendant has no means with which to repair the same and to keep up the taxes on said property. In my opinion it would be to the benefit and advantage of the infant defendant that said real estate be sold under a decree of your Honorable Court and the proceeds invested by the guardian in some other safe investment.

Said real estate is worth \$300.00 or \$400.00

The Plaintiff Margaret A. Smith has been appointed and qualified as guardian for the infant defendant.

To the general interrogatory by the Examiner
Nothing further.

Ans.
Witness to signature
Arthur D. Willard.

Geo. F. Smith

Francis J. Strine a witness of lawful age produced on the part of the plaintiff having first been duly sworn and examined viva voce deposes and says:-

My name is Francis J. Strine, age 58 years and reside near Walkersville, Frederick County, Maryland. I know the parties to this suit, I knew John H. Hammer in his life time. He died about 15 years ago leaving a widow Elizabeth Hammer the infant defendant in this case who is now about 15 years of age. Said John H. Hammer at the time of his death was seized and possessed of about 12 or 15 acres of land situated in Woodboro District, Frederick County, Maryland. He owned no other real estate and I assume that the will marked Ex. No. 2 which I look at described and refers to said land.

I have always understood that said John H. Hammer left a will devising the land in question to his wife during her life and in fee to his daughter after death and I believe Ex. No. 2 is a copy of his will.

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