

the allegations of the Bill of Complaint.

Emery L. Coblentz

Chas. McC. Mathias.

Solicitors for Plaintiffs.

COURT'S ORDER TO TAKE TESTIMONY.

Ordered this 16th day of August, in the year 1913, by the Circuit Court for Frederick County, sitting as a Court of Equity and by the authority thereof, that this cause be and the same is hereby referred to one of the standing examiners of this Court to take testimony.

Gleason H. Werthington

Judge.

TESTIMONY.

To the Honorable, the Judges of said Court.

In pursuance of an order of the Court and notice given me by the Solicitors for the plaintiff, I Albert S. Brown, one of the Standing Examiners of your Honorable Court, duly appointed Qualified and sworn did on the 2nd day of September A. D. 1913, at the law office of Emery L. Coblentz, Esq., in the City of Frederick State of Maryland, at the hour of 11 o'clock, A.M. proceed to take the following deposition of the witnesses in this cause, then and there produced before me. Present--Mr. Chas. McC. Mathias, of Solicitors for the Plaintiffs. No appearance for the Defendant.

Exhibit A to the Bill of complaint filed with the Examiners as evidence and is so marked.

Daniel Rehback, a witness of lawful age, being examined viva voce, deposes and says as follows--

My name is Daniel Rehback. I am 68 years old and reside in Burkittsville District, Frederick County, Maryland. I knew all the parties to this cause except Mr. Oliver McBride. I knew Daniel McBride in his life time. He was seized and possessed in his lifetime and at the time of his death of a tract of mountain land lying in the neighborhood of Young's sawmill, between Middletown and Burkittsville in Frederick County, Maryland. This tract contains about 27½ acres and formerly belonged to John Hightman. I look at Exhibit handed me. It is a certified copy of a deed from Thomas Hightman, Milton Slifer, and William P. Maulsby, Jr., to Daniel McBride and it correctly describes the land mentioned in these proceedings. Daniel McBride during the latter part of February 1913. his wife dies five or six years ago, but he left surviving him the following children and heirs at law--namely--Oliver C. McBride an adult son whose wife's name is Annie C. McBride; Ames M. McBride, whose wife's name is Zella McBride; Callie M. Fleek, a daughter, who married John C. Fleek. Hannah F. Sheemaker, another daughter of the late Daniel McBride, died about two years ago, leaving three daughters--Orpha, May and Mildred, all of whom are under the age of twenty-one. The mountain land mentioned in these proceedings is not susceptible of division, among the parties entitled thereto without great loss and injury and it would be to the interest and advantage of all the parties and especially the infants therein mentioned that this land be sold and the proceeds divided among the parties entitled thereto. In my judgment this land will bring in the neighborhood of from four to five dollars an acre.

To the general interrogatory? Answer, Nothing further.

Daniel Rehback.

Oliver C. McBride being a witness of lawful age, being examined viva voce, deposes and says as follows--

My name is Oliver C. McBride, I am 41 years old and reside in Middletown, Frederick County, Maryland. I am employed at the Peoples Supply Company, in Middletown. I am a son of Daniel McBride who is mentioned in the Bill of Complaint in this case. My father Daniel McBride was in his lifetime and at the time of his death seized and possessed of a certain piece of woodland containing 27½ acres of land, more or less, and which is located in Frederick County, Maryland, near Young's saw mill, between Middletown and Burkittsville. He acquired this property by deed from Thomas Hightman, et. al., trustees, about the year 1892. I look at Exhibit A which is now handed