

## TESTIMONY TO SUPPLEMENTAL BILL OF COMPLAINT.

To the Honorable the Judges of said Court--

In pursuance of an order of the Court, and in the absence from the city of the examiner taking the testimony on the original bill of complaint in this cause and after notice given me by the solicitors for the Plaintiffs I Albert S.

Brown one of the standing examiners of Your Honorable Court duly qualified and sworn, did on the 26th day of July 1911, at the law offices of the Examiner in Frederick City, Frederick County, and State of Maryland, at the hour of 11

O'clock A. M. proceed to take the following testimony in proof of the allegations set forth in the several paragraphs of the supplemental bill of complaint filed in this cause, the testimony of the witnesses having been taken down in stenographic notes and subsequently type written by Claud S. Hahn, the examiner's sworn clerk, and signed by the respective witnesses testifying.

Present--Oscar E. Coblentz, of the solicitors for the Plaintiffs.

Exhibit B and C to the supplemental Bill of Complaint were filed with the Examiner as evidence and are so marked.

Julia E. Hummer, a witness of lawful age, produced on the part of the Plaintiffs being first duly sworn and examined viva voce, deposes and says as follows--

MY name is Julia E. Hummer, I am 52 years of age and I reside near Walkersville in Frederick County, Maryland. I am the daughter of John W. Miller deceased, the wife of Joseph H. Hummer and one of the defendants in this case. I am the same Julia E. Hummer who testified in this case and I re-affirm my testimony in said cause.

I knew that John W. Miller owned two parcels of Mountain land at the time of his death. One parcel was purchased from Jacob Mast and wife and the other parcel from the wachter estate. the said mountain land is correctly described in the certified copies of the deeds for the respective parcels marked Exhibits B and C to the supplemental bill of complaint and filed as evidence in this cause. I have never been on this land, but, from my knowledge of the surroundings, this land is not susceptible of division without loss and injury and it is to the best interest of all the parties especially the infant defendants, to sell this land at the same time that the farm is sold, and it will save additional expense. The parties to the supplemental bill of complaint are the same parties as set out in my testimony to the original bill of complaint, all the parties being adults except the two infant defendants residing in Xenia, Montgomery county, Ohio. The parties mentioned in the original bill of complaint and in this supplemental bill of complaint are all the parties of interest.

To the general interrogatory.

Ans. Nothing further.

Julia E. Hummer.

Joseph H. Hummer a witness of lawful age, produced on the part of the plaintiffs, being first duly sworn and examined, viva voce, deposes and says as follows--

My name is Joseph H. Hummer. I am 54 years of age and reside near Walkersville, in Frederick County, Maryland. I am the same Joseph H. Hummer who testified in this cause as a witness for the plaintiffs, and I re-affirm my former testimony. I am one of the defendants in the aforesaid cause.

In addition to the farm described in the original bill of complaint, John W. Miller owned two parcels of mountain land, both located in Frederick County, which are directly described in Exhibits B and C, to this supplemental bill of complaint