

uity and by the augherty thereof, adjudged, ordered and decreed that this cause be and the same is hereby referred to any one of the standing Examiners of this Court for the purpose of taking testimony to support the allegations of the Bill of Complaint.

John G. ~~Adler~~

TESTIMONY.

To the honorable the Judges of said Court--

In pursuance of an order of the Court and notice given me by the solicitor for the Plaintiffs, I Albert S. Brown, one of the Standing Examiners of Your Honorable Court, duly commissioned and qualified, did on the 8th day of December A. D. 1910, at the law office of Emory L. Coblentz, Esquire, in the City of Frederick and State of Maryland, at the Hour of eleven o'clock A. M., proceed to take the following depositions in the above entitled cause, ex parte.

present, Mr. Emory L. Coblentz, Solicitor for the Plaintiffs.

Exhibits A. B. C. and D to the Bill were filed with the Examiner as evidence and are so marked.

Jacob Fleck a witness of lawful age produced on the part of the Plaintiff, being first duly sworn deposes and says as follows, being examined viva voce.--
My name is Jacob E. Fleck, I am 40 years and I reside at Pleasant Walk, Frederick County Maryland. I knew all the parties to this cause and the land mentioned in these proceedings. I look at exhibit marked A. B. and C_ to the Bill, they are certified copies of the deeds for said land, and I believe correctly describe the same. I knew Josiah Betts in his lifetime, he died intestate seized and possessed of the above mentioned real estate, except as to $8\frac{1}{2}$ acres thereof which he sold to said Samuel L. Betts by deed, a certified copy of which is filed in this case as exhibit D, which I now held in my hand for inspection. This land he sold is a part of that which was conveyed to him by exhibit B in this case. All of this land is in Frederick County, Maryland. Josiah Betts departed this life September 19 1902 leaving surviving him a widow whose name is Annie N. Betts, who is now about fifty four years of age, and the following children, an adult daughter, Virgie V., whose husband's name is Marshall H. Warrenfeltz; an adult daughter Grace E., whose husband's name is Clifford N. Schildknecht; an adult son Floyd E. whose wife's name is Eva B. Betts and an infant son Gorman B. Betts, now about 13 years of age, whose residence is with his mother, and all the above named persons reside in Frederick County, Maryland. Then there is an adult daughter Myrtle I. whose husband's name is Edward L. Keagle and they live in Washington County Maryland. The above are all parties to this cause and are all the parties having any interest in the real estate of Josiah Betts. This land is not susceptible of partition or division amongst the parties owning the same without loss and injury, and it would be to the best interest and advantage of all the parties concerned that the same be sold and the proceeds of the sale divided, especially the infant German B. Betts, ought to have his share invested for his benefit. The property is deteriorating in value and the income from it is small and would be used in large part in repairs and taxes, the fences and buildings are every day needing some repairs, besides there is no one specially charged with looking after the property and all in all I think they had better sell it and divide the money. This property is improved by a small log weatherboarded house & kitchen and some outbuildings, a small barn and spring house & hog pen and a building used as a store and is worth in my opinion about \$1600 or \$1700.