

of Complaint.

Emory L. Coblentz

Chas. McC. Mathias

Solicitors for Plaintiffs.

To the Honorable, the Judges of said Court.

The answer of Eli S. Haugh, the guardian ad litem to John William Beard, the ^{infant} defendant in the above entitled cause, as well as the answer of the adult defendant in said cause, having been filed and the said cause being at issue, the Plaintiffs pray Your Honors to pass an order referring said cause to one of the standing examiners of the Court for the purpose of taking testimony in support of the allegations contained in the Bill of Complaint.

Emory L. Coblentz

Chas. McC. Mathias

Solicitors for Complainants.

The foregoing petition having been read and considered, it is thereupon this 15th day of October A. D. 1911, by the Circuit Court for Frederick County, sitting as a Court of Equity, and by the authority thereof, adjudged, ordered and decreed that the above entitled cause be and the same is hereby referred to any one of the standing Examiners of this Court for the purpose of taking testimony in support of the allegations contained in the Bill of Complaint.

John C. Motter.

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 Plaintiffs, I Albert S. Brown, one of the Standing Examiners of Your Honorable Court, duly commissioned, qualified and sworn, did, on the 22 day of November A. D. 1911, at the law offices of the Examiner in the City of Frederick, State of Maryland, at the hour of 10.00 o'clock A. M., proceed to take the following depositions of the witnesses then and there produced before me, the same being taken down in stenographic notes and subsequently typewritten by Claud S. hahn, the examiner's sworn clerk, as follows, to wit--

Present--Mr. Charles McC. Mathias, of the Solicitors for the Plaintiffs.

Exhibit A., to the bill filed with the Examiner as evidence and is so marked.

Vincent Sebald, a witness of lawful age, produced on the part of the Plaintiffs, being first duly sworn and examined, deposes and says--

Q. State your name, age, residence and occupation.

A. Vincent sebald, a witness of lawful age; residence Emmitsburg, occupation, attorney at law.

Q. Please state what you know in reference to the property described in Exhibit A., now shown you, in reference to its value, location and condition, and whether it is to the best interest of the parties to this cause that the same be sold and the proceeds divided among the respective parties in interest.

A. I look at exhibit A. It is a deed of a small tract of land situated about two miles South of Emmitsburg near the old Fredericktown Road, now occupied by F. Russell Young and wife. I have known this property for more than twenty years. It consists of about three acres of land, improved by a frame, weatherboarded dwelling, and is not susceptible of division or partition, and in my judgment is worth about seven hundred and fifty dollars, (\$750.00.)

I don not know all the parties to this suit but know the larger part of them, namely Lester S. Birely and wife, F. Russell Young and wife, Paul Beard and Martin L. Beard. From what I know of the property and its condition I do not believe it is susceptible of division and it would be to the interest of the parties in this cause, and especially the infant defendant, that the