

COURT'S ORDER GRANTING LEAVE TO TAKE TESTIMON BEFORE ONE OF STANDING EXAMINERS.

To the Honorable the Judges of said Court--

The petition of Annie Matilda Forney, mother and next friend of Charles Edgar Forney respectfully represents that she desires to take testimony in this case, and prays that leave be granted her to do so before one of the standing examiners of your Honorable Court.

And as in duty bound, etc.

A. D. Willard,
Solicitor for Plaintiff.

Ordered this 10th day of June, 1902, be the Circuit Court for Frederick County, in Equity and by the authority thereof that leave be granted to the parties to this cause to take testimony therein as prayed before any one of the standing examiners of this Court.

Jas. McSherry.

TESTIMONY.

The above cause being at issue and notice having been given me by the solicitor of the Plaintiff of a desire to take testimony in the same (leave of the Court Having been first obtained) I Albert S. Brown, one of the standing examiners of the Circuit Court for Frederick County, in Equity, duly appointed, qualified and sworn met on the 11th day of June in the year 1902, at the office of Arthur D. Willard in Brunswick, Frederick County, Maryland, at the hour of 1 o'clock, as the hour and place for the examination of witnesses in said cause, at which time and place I attended, having given due notice of such meeting, and proceeded in the premises of the solicitors of the respective parties to take the following depositions, that is to say.

Present--Mr. Arthur D. Willard,
Solicitor for the plaintiff.

John L. Jordan a witness of lawful age produced on the part of the Plaintiff, having been duly sworn, deposes and says as follows--

My name is John L. Jordan. I am 55 years of age. I reside in Brunswick, Frederick County, Maryland. I knew the parties Annie Matilda Forney and Charles Edgar Forney, her infant son, both reside in Brunswick, Frederick County, Md. I knew Stuart Forney in his lifetime, he died in December 1900, he left no will that I knew, he left a widow, Annie Matilda Forney and a very young infant child, at the time of his death he was seized and possessed of a 2 story house & lot on the North side of A street in Brunswick, Frederick County Maryland. I am well acquainted with this property and I look at the deed for the same marked exhibit A., & it correctly describes the property (Exhibit A., filed as evidence & so marked) I look at Exhibit C., now shown me and I believe that the sum of \$1200.00 as returned in the agreement Exhibit C., is a fair, adequate & reasonable price for this property. I understand that Mrs. Forney has a mortgage for a small amount on said property and that she would be entitled to a certain portion as her dower interest in said property which I understand after being deducted from the \$1200.00 would leave about \$868.00 as the interest of the infant which in my opinion is a fair and adequate price for said infant's interest and I believe it would be to the benefit & advantage of said infant to have a decree of the Court passed to sell said the interest of the infant in said property according to the terms of the contract & to have the money invested for her benefit & advantage. My reasons for so stating are based upon my knowledge as a real estate dealer myself & am acquainted with the value of property in Brunswick. I believe that the sale is as good if not better than could be made at public sale, judging from the properties that have been sold here at public sale & the price paid for property in its vicinity at recent sales.

To the general interrogatory propounded by the Examiner.

Ans. Nothing more.

John L. Jordan.

Mrs. Annie Matilda Forney, a witness of lawful age, and who is plaintiff in the above entitled cause, having been first duly sworn and examined, deposes and says as follows--

1st. State your name, age & residence & your interest in this cause?

Ans. Annie Matilda Forney. I am 40 years of age. I reside at Brunswick. I am the plaintiff in this cause, the widow of Stuart Forney, deceased, and the mother of the infant defendant Charles Edgar Forney, who is now 2 years old, April 11 1900 was the day he was born. My husband Stuart Forney died December 20 1900. At the time of his death he was seized and possessed of the property on A street in Brunswick in which I now reside, described correctly in Exhibit A., I have a mortgage which was conveyed to me on this property, by the Real Estate and Improvement Company and for which I paid the sum mentioned in said assignment which is still due me with interest and also my dower interest in said property (Exhibit B is filed at this point as evidence and is so marked) I look at exhibit B it is a certified copy of said mortgage & assignment & correctly states the facts. On the 30th day of May 1902 I entered into an agreement with Charles W. Suter on behalf of myself and infant child to sell said property to him upon the terms and conditions set forth in said agreement, that is for the sum of \$1200.00 & he to pay half the expenses & so forth. I look at Exhibit "A" it is the agreement referred to by me and which I signed. I am advised that the infants interest in the property would be the whole property less my dower right and the mortgage to which I am entitled, making the infant's interest allowing \$1200.00 for the property to be worth about \$868. I believe this to be a fair and adequate price for his interest and also that \$1200.00 is a fair