

GENERAL REPLICATION.

The plaintiffs joins issue on the matters alleged in the answer of Eli Haugh, guardian ad litem of Esther Hale, infant defendant, so far as the same may be taken to deny or avoid the allegations of the Bill.

A. D. Willard.
Solicitor for Plaintiffs.

PETITION AND COURT'S ORDER TO TAKE TESTIMONY.

To the Honorable the Judges of the Circuit Court for Frederick County in Equity.
The petition of the Plaintiffs in this case respectfully represents that they desire to take testimony in this case and pray that leave be granted for them to do so, before one of the standing examiners of this Court; said cause being at issue.

A. D. Willard,
Solicitor for Plaintiffs.

Ordered this 2nd day of January in the year 1915 by the circuit Court for Frederick County, sitting as a Court of Equity and by the authority thereof, that leave be and the same is hereby granted to the parties to the said cause to take testimony as prayed before any one of the standing examiners of this Court.

Glenn H. Worthington.

TESTIMONY.

To the Honorable the Judges of said Court--
The above cause being at issue and a notice having been given to me by the solicitor for the complainant of a desire to take testimony in said cause and pursuant to the desire pro confesso passed in said cause by your Honorable Court, I, D. Princeton Buckey one of the standing Examiners of the Circuit Court for Frederick County Maryland, duly appointed, qualified and sworn met at my law office in Frederick City, Maryland, on Monday January 11th 1915 at the hour of 9.30 o'clock A. M. and then and there proceeded to take the following depositions, that is to say--

Present--A. D. Willard.
Solr. for Plffs. and the witnesses.

Catharine Sulcer, a witness of lawful age, she being one of the Plaintiffs having first been duly sworn deposes and says--

My name is Catharine Sulcer. I reside at 209 East 6th street in Frederick Maryland. I am one of the Plaintiffs in this case and know all of the parties to this suit.

My mother was Elizabeth A. Hale. She died on the 2nd day of June 1910, and left no will. She left no husband surviving her, but left the following named children and grand children, viz--

1st. myself, Catherine Sulcer. I am a widow, my husband having died about 11 years ago. I am 70 years old. 2nd. Margaret Hale an adult daughter who lives in Frederick County, Md., 3rd. James D. Hale a son whose wife's name is Catherine Hale, both of whom are adults and reside in Frederick County Md. 4th. Fannie Sulcer, a daughter, whose husband's name is John Sulcer, both of whom are adults residing in Frederick County Maryland. 5th. A son Luther hale who died during the year 1914, intestate and left no widow or children or descendants surviving him. 6th. An adult son Daniel Hale, who died about three years ago intestate in Bloomington, Illinois, and left surviving him a widow, berthale Hale aged about 50 years, who is now residing in Bloomington, Ill.

The said Daniel Hale left the following named children viz--

- (1) Lenda Hoffman, whose husband's name is Lewis Hoffman.
- (2) Albert Hale whose wife's name is Minnie Hale.
- (3) An adult daughter Fannie who is married, but I do not remember her husband's name.
- (4) Marie Hale a daughter unmarried.

All of the above are adults residing in the State of Illinois.

(5) Ester Hale an infant daughter aged about 18 years, residing in Illinois.

Then there was another daughter of Elizabeth A. Hale, her name was Jennie Mumford, her husband's name was Richard Mumford. They are both dead, having died intestate and leaving no children or descendants surviving them.

My mother the said Elizabeth A. Hale was at the time of her death seized and possessed of certain real estate situated in Jefferson District, Frederick County Maryland.

I do not know how much land is in it, but it is a house and lot and garden and water on the place. This place is worth from \$500 to \$700, perhaps more.

This property is not susceptible of being divided amongst the parties interested therein without great loss, damage and injury to those who are interested in the same and it would be to the best interest and to the advantage of all the parties to this cause, and especially to the interest of