

T E S T I M O N Y

Julia A. Fox and William
I. Fox, her husband,
Vs.
Anna M. Speak, et al.

No. 9250 E Q U I T Y.
In the Circuit Court
For Frederick County.
In Equity.

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 Plaintiff, I Albert S. Brown, one of the standing Examiners of your Honorable Court, duly appointed, qualified and sworn, did, on the 13th day of February, A. D. 1915, at the law office of the Examiner in the City of Frederick and State of Maryland, at the hour of 2 o'clock proceed to take the following depositions of the witnesses then and there proceed before me, that is to say:

Present: Charles C. Waters, Solicitor for Plaintiffs. Frederick C. Fisher and Charles H. Krise, witnesses Albert S. Brown, Examiner. Walter D. Mehrling, Examiner's Clerk.

Exhibits: A and B, certified copies of deed conveying land to Mary Catherine Biggs.

No. 1. Mortgage from Mary C. Biggs to James T. Hays, are filed with the Examiner as evidence and are so marked.

Exhibit No. 2 - Letters of Administration to Thomas C. Hays filed with Bill - filed with the Examiner as evidence & so marked.

Feb. 13th, 1915. 2 o'clock.

President: C. C. Waters.

FREDERICK C. FISHER, a witness of lawful age, produced on the part of the Plaintiff, being duly sworn, deposes and says:

My name is Frederick C. Fisher. I live in Rocky Ridge, in Frederick County, Maryland, My age is 61 Years

I knew all the parties to this suit. I knew Mary Catherine Biggs during her lifetime. She is now dead. She died intestate in or about the month of November, 1914. She was seized and possessed of a small tract or parcel of land situated near Rocky Ridge, in Frederick County, Maryland, containing about 68 acres of land. I look at Exhibit A and B now shown me, which are certified copies of the deeds conveying this land to Mary Catherine Biggs, which correctly describe the same. Mary Catherine Biggs left surviving her the following heirs at law and next of kin: Julia A. Fox, a sister, whose husband's name is William I. Fox, and the heirs of Jane E. Fox, a deceased sister, as follows: Anna M. Speak, whose husband's name is George Speak, George Fox, whose wife's name is Sarah Fox, Nancy Welty, whose husband's name is Isaac Welty; Lillian Staub, whose husband's name is Charlie Staub; also the following grand children of Jane E. Fox, whose second husband's name is Elias Speak, namely; Dora Speak, Mildred Speak and William Speak, whose father's name was William Speak, now deceased, all of whom are infants under the age of 21 years. Also the heirs of Susan N. Knouff, a deceased sister, namely; Virginia Knouff Maggie Krise, who is my wife; Emma Catherine Dubel, whose husband's name is Jacob Dubel. All of the above mentioned parties live in Frederick County, Maryland, except Anna Speak, who lives somewhere about Blue Ridge Summit, Pennsylvania. Mary Catherine Biggs was indebted unto Thomas C. Hays on a mortgage executed by her in the sum of \$250., which mortgage to the best of my knowledge and belief is still due and owing. I look at Exhibit No. 1 to the petition of Thomas C. Hays, Administrator of James T. Hays deceased, which correctly describes the same. The property and premises mentioned in Exhibits A and B are not susceptible of division between the parties in interest without loss and injury, and it would be to the interest, benefit and advantage of all the parties to this cause, and especially to said infants that the same should be sold, and after the payment of the expenses and said mortgage indebtedness, the balance divided among the parties in interest. I think \$1,400. is the outside figure that this property will bring. TO THE GENERAL INTERROGATORY: Nothing further.

22 miles - 1 day.

Frederick C. Fisher

Feb, 13th, 1915. 2 o'clock.

Present: C. C. Waters.

CHARLES H. KRISE, a witness of lawful age, produced on the part of the Plaintiff, being duly sworn, deposes and says: My name is Charles H. Krise. I live in Rocky Ridge, in Frederick County, Maryland.