

Upon the foregoing petition it is ordered this 28th day of July 1917, by the Circuit Court for Frederick County, in Equity, that the papers in this cause be, and they are, hereby referred to any one of the Standing Examiners, of this court, with leave to the parties to take testimony.

(Filed July 28, 1917)

Glenn H. Worthington.

Hays Gordon Mohler, Infant,
by Bessie Lee Mohler, his
mother and next friend,

Vs.

Clement Mohler, et al.

No. 9629 EQUITY

In the Circuit Court for

Frederick County,

In Equity.

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TO THE HONORABLE JUDGES OF SAID COURT:-

The above cause being at issue and pursuant to the annexed order of your Honorable Court, passed in the above entitled cause, and at the request of the Solicitor for the complainant, of a desire to take testimony in this cause, I, D. Princeton Buckey one of the Standing Examiners of the Circuit Court for Frederick County, duly appointed, qualified and sworn, with the assistance of Miss Ruth Dixon, stenographer and clerk, met at the Law office of Leo Weinberg, Esq., on Thursday, August 10, 1917, at the hour of 10 A.M. and then and there in the presence of the solicitor for the plaintiffs, the witnesses and Clayton O. Keedy, Esq., of Solicitors for defendants, proceeded to take the following depositions; that is to say, Present Leo Weinberg, Solicitor for complainant.

Clayton O. Keedy, Esq., Solicitor for defendants.

It is hereby agreed by and between the solicitors for the respective parties, that the signatures of the witnesses be waived.

TESTIMONY.

Gilmore R. Flautt, a witness of lawful age, produced on the part of the plaintiff, having first been duly sworn, deposes and says:-

My name is Gilmore R. Flautt. I am 32 years of age, residing in Frederick City, Maryland, for some years I have owned real estate situated on Madison Street in Frederick City, Maryland, and I am familiar with the value and conditions of real estate in that neighborhood. I am acquainted with the real estate mentioned in these proceedings which was owned by R. B. Hays Mohler, at the time of his death and which is described in the deed dated April 10, 1910, from Mary C. Swearing, widow, to Rutherford B. H. Mohler, and Leona Mohler, his wife, recorded in Liber H. W. B. No. 292, folio 38, one of the Land Records of Frederick County, Maryland, a certified copy of which said deed is now shown to me and herewith filed in evidence, marked "Exhibit B. L. M. No. 1". This property consists of a two story brick house containing six rooms and summer kitchen, cellar and garrett. There is a stable on it. The lot fronts 40 feet on Madison Street and running back 160 feet to an alley etc. It is just one piece of town property and cannot be divided in kind without loss and injury to the parties and in my opinion, it is for the best interest of all concerned, and particularly the infants, that the property be sold.

To the General Interrogatory.

Nothing further.

Bessie Lee Mohler, a witness of lawful age, produced on the part of the complainant, having first been duly sworn, deposes and says:-

My name is Bessie Lee Mohler. I am 25 years old. I was married to R. B. Hays Mohler on June 19, 1914, and by our marriage we have one child, Hays Gordon Mohler, who is still living and is 14 months old and in whose behalf I file this Bill of Complaint. My husband, R. B. Hays Mohler, died intestate, in Frederick, Maryland, on June 15, 1917. I am his second wife. On December 21, 1904, the said R. B. Hays Mohler intermarried with Leona Mohler, whose name is mentioned in "Exhibit B. L. M. No. 1", and who is also one of the parties to the mortgage executed April 1, 1910, by Rutherford B. Hays Mohler, and the said Leona Mohler, to the Franklin Savings Bank of Frederick, recorded in Liber H. W. B. No. 291, folio 414, one of the Land Records of Frederick County, etc., a certified copy of which said mortgage is now shown to me and is herewith filed in evidence marked "Exhibit B. L. M. No. 2". The said Leona Mohler died