

No. 9999, Equity.

PETITION And Courts Order Thereon Granting
leave to Take Testimony.

Eleanor M. Tull, Individually, and Eleanor M. Tull
Mother and Next Friend, of Mary Esther Tull. and
Howard S. Tull. Infants,

Vs.

Mary Esther Tull, and Howard S. Tull, Infants,

No. 9995. Equity,
In the Circuit Court for Frederick
County, sitting as a Court of Equity,

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To the Honorable the Judges of said Court;

The petition of the Plaintiffs in the above entitled case respectfully shows; That the said case is at issue and they desire to take Testimony, and proof therein to support the allegations of the Bill of Complaint, and pray that leave any be granted them to so do, before one of the standing Examiners of this Court,

And as in Duty.

Urner & Urner.
Solicitors.

Courts Order.

Ordered by the Circuit Court this 29th day of July A.D. 1919. that laws be and the same is hereby granted to the Plaintiffs to take testimony in the above entitled cause, and proof as prayed. in the foregoing Petition, before any one of the standing Examiners of this Court,

Glenn H. Worthington.

Filed July 29th. 1919.

Eleanor M. Tull, Individually, and
Eleanor M. Tull, Mother and next
friend of Mary Esther Tull and Howard
S. Tull. Infants,

vs.

Mary Esther Tull, and Howard S. Tull,
infants,

No. 9995. Equity,
In the Circuit court for Frederick
County, Sitting as a Court of Equity.

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In pursuance of the annexed order of the Court, and notice given me by the Solicitor for the Plaintiff in the above entitled cause, I. Clayton O. KEedy one of the Standing Examiners of this Court, duly appointed qualified and sworn having assigned the first day of August 1919, at the office of Milton G. Urner Esq., in Frederick Maryland, as the time and place for taking Testimony in this cause, and having given due notice thereof to the parties concerned, did, at the time and place proceed to take the following testimony to-wit;

The Plaintiff filed with the Examiner as evidence exhibit Nos. 1. and 2. which is herewith returned by the said Examiner.

Mrs, Eleanor M. Tull. a witness of lawful age produced on the part of the Plaintiff. being duly sworn and examined vi-va-voce by the solicitor for the Plaintiff deposes and says,

I knew Wesley S. Tull, late of Frederick county, who died intestate, in June 1908, seized and possessed of a tract of nine Acres three roods and twenty five perches, of land more or less. lying just North of Frederick, City, Maryland, conveyed to him by Casper Mehrling & wife by deed dated the 9th day of April 1889, I look at at the paper now shown me Marked Exhibit No. 1. filed in this cause, and the same is a copy of said deed and correctly describes said real estate. The said Wesley S. Tull, died leaving me as his widow, and Mary Esther Tull, and Howard S. Tull, both of whom are infants under twenty one years of age, as his only children, and heirs at law, who now own said real estate, as tenants in common, subject to my widows right of dower therein, and we all reside in said property, in Frederick District Frederick County, and on the 25th day of July I contracted individually, and in behalf of said infant children, as their mother and next friend, to sell said real estate, to David G. Everhart, for the sum of Eleven thousand dollars, five hundred dollars to be paid cash, and the balance to be paid in January, 1st. 1922, which contract of sale is filed in this case, marked Exhibit No. 2. in writing for said real estate,