

No. 10147 Equity,

SECOND, And For such other and Further relief as the nature of the case may require,

Frank L. Stoner,

Solicitor for Petitioner,

The foregoing Petition having been read and Considered by the Court, It is thereupon on this 8th day of November A,D, 1920, by the Circuit Court for Frederick County, Sitting as A Court of Equity, and by the Authority thereof, Ordered and Adjudged that the papers in the above, entitled Cause, are hereby referred to One of the regular examiners of this Court, for proof, in Support of the allegations of the Bill of Complaint,

Hammond Urner,

Judge,

T E S T I M O N Y

John W. Waggerman,
Annie Waggerman, his
Harry Waggerman. et al.

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No. 10147, Equity,
In the Circuit for Frederick County, sitting
as a Court of Equity,

vs

Roy Eyer Infant and
Mildred Waggerman, Infant,

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TO THE HONORABLE, THE JUDGES OF SAID COURT,;

The above Cause Being at issue, and notice having been given me by the Solicitor for the Plaintiff, of his desire to take testimony, in said Cause, leave of the Court having been First had and obtained, I, D, Princeton Buckley, One of The Standing Examiners of this Court, for Frederick County, duly appointed, qualified and sworn, met at the law Office of Frank L. Stoner, Esquire, in Frederick City, Maryland, on Saturday, November 6th, 1920, at the hour of 10-30 o'clock A.M, and then and there, in the presence of the Solicitor for the Plaintiff, the Plaintiff and his witnesses, proceeded to take the following depositions, that is to say;

Present, Frank L. Stoner, Esquire,
Solicitor for Plaintiff,
Plaintiff & Witness,

John W. Waggerman, A Witness of lawful age, produced on Behalf of the Complainant, being first duly sworn deposes and says as follows;

My name is John w. Waggerman, my age is Forty eight, and I reside at Emmitsburg, Frederick County, Maryland, I am a son of Samuel Wagerman, My mother Mary Wagerman died during the month of December A.M, 1918, intestate, seized in fee simple, of a tract or parcel of land situated In Emmitsburg District, Frederick County, Maryland, and described in a Deed from Mary Hoke, to Mary A. Waggerman, I look at a copy of Deed. Certified to filed in this cause, as Exhibit No. I. which correctly describes the property, said real estate upon the death of my Mother Mary A. Waggerman, descended to the following named children, as heirs at law, and as tenants in Common, to-wit; myself, John w. Wagerman, married and whose wife's name is Annie Waggerman, an adult son Harry Waggerman, whose wife's name is Rosa Waggerman, an adult son Roy Waggerman, whose wife's name is Ova A. Waggerman, and adult son Charles B. Waggerman, whose wife's name is Fannie Wagerman, and adult son Joseph C. Waggerman, whose wife's name is Elsie Wagerman, an adult daughter Addie Topper, whose husband's name is Jacob Topper, and Adult daughter Beota Attig, whose husbands name is Edward S. Attig, Emory Eyer, an adult son Mamie Eyer, deceased, and who was a daughter of Mary A. Waggerman, deceased. all of whom are complainants, in the above entitled cause, together with Two Infant Defendants, Roy Eyer and infant son of Mamie Eyer, deceased, and Mildred Waggerman an infant daughter of Emory Waggerman, who was a son of Mary A. Waggerman, deceased, said two Infants being Defendants, in this Cause,

Said Complainants and Defendants, upon the death of Mary A. Waggerman, took the Real Estate described in Exhibit No, I, as her heirs at law, subject to the Dower of Samuel Waggerman, who has since died whereupon the whole of said real estate vested in the parties to this cause, said real Estate consists of A tract of land Situated about One Mile West Of Emmitsburg, Containing Seven Eight Aeres of land, improved with Mill and Dwelling House I believe the property to be worth including the Water Right, about Fifteen Hundred (\$1500,)