

THE ANSWER OF Archie Burke, Howard Burke, and Ida Carroll infants under the age of twenty-one years, by John H. Marts, Guardian ad Litem, to the Bill of Complaint of Leonard Burke et al against Archie Burke et al in the Circuit Court for Frederick County, sitting as a Court of Equity exhibited.

These Defendants cannot admit any of the matters and things alleged in the Bill, and being infants of tender years, submit their rights to the protection of this Court.

Filed April 12, 1922.

John H. Marts
Guardian Ad Litem.

T E S T I M O N Y.

Leonard Burke and Annie	"	No. 10507 Equity.
Laura Burke, his wife,	"	
et al.	"	In the Circuit Court for
	"	
Vs.	"	Frederick County. Sitting
	"	
Archie Burke, Howard Burke	"	as a Court of Equity.
and Ida Carroll, Infants.	"	

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Due notice being given me by the Solicitor for the plaintiffs I, Clayton O. Keedy, one of the regular Examiners of said Court duly appointed, qualified and sworn, having assigned the 25th day of April, 1922, at my office in Frederick, Maryland, as the time place for taking the testimony in this cause, and having given due notice to the parties concerned, have at the duly appointed time and place proceeded to take the following testimony, to wit;

The Plaintiffs filed with the Examiner as evidence Exhibit "A" to the Bill of Complaint, which is herewith returned by the said Examiner, and is so marked.

Leonard F. Burke, a witness of lawful age, being first duly sworn, deposes and says as follows;

My name is Leonard F. Burke, I am a farmer and live near Monrovia, in Frederick County, Maryland, I am one of the Plaintiffs in this cause and know all of the parties to this suit.

Franklin G. Burke, late of Frederick County, deceased, was my father and he died on or about January 17th, 1922. He left surviving him the following children; Edward Burke, my brother, who is unmarried; Hattie Fuss; my sister; Eva Crum, my sister, who intermarried with Albert Crum; Evelyn Lugenbeel, my sister, who intermarried with Roy Lugenbeel; Frances Cleary, another sister, who intermarried with George Cleary; and two infant brothers, Archie Burke and Howard Burke. I had another sister, Nellie N. Carroll, who intermarried with one Oliver Carroll, in Baltimore, Md. She died before the death of my father and left surviving her one infant daughter whose name is Ida Carroll. All of my brothers and sisters live in Frederick County, with the exception of Hattie Fuss, who lives in Gettysburg, Pennsylvania, and Frances Cleary, who lives in Baltimore, Maryland.

At the time of my father's death, he was seized and possessed of a house and tract of land situate, lying and being near Barthlows, in Frederick County, Maryland. It is more particularly described in a deed from Aaron R. Anders, Trustee, bearing date the 8th day of November, 1920, and is duly recorded in Liber 333, folio 365, one of the Land Records of Frederick County. I look at Exhibit A, filed in these proceedings, which is now handed me, and which correctly describes the property.

My father died without ever having made any will, and inasmuch as three of his heirs were infants, I was advised it was necessary for us to sell the property under the supervision of the Court.

The property in question consists of a dwelling house, together with a lot containing approximately three-fourths of an acre. In my judgment, the property is not susceptible of division among the parties entitled to it without loss and injury, and it would be to the great benefit and advantage of all the parties concerned, and especially the infants, that the property be sold forthwith under the order of the Court, and the proceeds distributed among the parties entitled thereto.

In my judgment, this property should bring in the neighborhood of \$1200.00, although it is worth considerably more than that.

To the general interrogatory;- Nothing further.

Leonard F. Burke.