duly commissioned,qualified and sworn,did,on the 21st day of September,A.D.1909,at the law Office of Coblentz,Waters and Brown,in the City of Frederick,State of Maryland,at the hour of ten o'clock A.M.proceed to take the following depositions of the witnesses in the above entitled cause,ex parte that is to say;-

Walter H.McDannel,a witness of lawful age,produced on the part of the Plaintiff,being first duly sworn,deposes and says as follows;-

Q. State your name,age and residence,and do you know the parties to this cause and the property mentioned in these proceedings?

A. Walter H.McDannel,27 years old, I reside in Frederick City,Maryland,I know all the parties to the cause. They are the children of my uncle,James Aubert,deceased and of my Aunt,Anna Kate Tyson, and Abram S.McDannel is my brother. I know the property mentioned in the proceedings.

Q. Who are the Plaintiffs,their age and residences?

A. Fred Bragonier Aubert is the son of James Aubert,and resides in Washington City with his mother Sarah A.R.Aubert,and he is an infant under the age of twenty-one years,being now about 16 years of age,he is a non-resident of the State of Maryland; Abraham S.McDannel is a younger brother of mine, now about 16 years of age,he is a non-resident of the State of Maryland,living at Womelsdorf,Pa. he is a son of Mary Elizabeth Aubert McDannel; Catherine Aubert Tyson is a daughter of Anna Kate Tyson and is now about 10 years of age,she is a resident of the State of Maryland,living with her parents in Frederick City,Maryland, James Aubert,the fater of Fred Bragonier Aubert,my my mother, Mary Elizabeth Aubert,and Mrs.Anna Kate Tyson are nephews and nieces of James Brunner and are the persons mentioned in the Decree of the Circuit Court for Frederick County in Equity cause No.7188, referred to in the Bill of Complaint as being the remaindermen in the property mentioned in these proceedings after the death of Mrs.Anna Kate Tyson,as set forth in the Decree of the Court in that cause,the said Equity cause No.7188 and the Decree of the Court therein construing the Will of James Brunner,deceased,who was the owner of this property.

Q. Of what does this real estate consist and where is it situated,please describe it?

A. It is a dwelling house of two stories and attic situated on the North side of East Second Street,in Frederick City,Maryland,and has attached to it a large lot,and is the same property devised to Heriatta Aubert,a sister of James Brunner and the grandmother of the Plaintiffs and Defendants in this case,by the second clause of the will of James Brunner filed as part of the papers in Equity caus ,No.7188 Equity.

Q. Look at Exhibit No.3 to the Bill of Complaint and state what the same is?

A. I look at the paper,it is a memorandum of purchase signed by my Aunt,Mrs.Anna Kate Tyson,in which she offers to pay the sum of Three Hundred Dollars,for the interest of Fred Bragonier Aubert and $1200.00 for the interest of Catherine Aubert Tyson,in remainder,in said property.

Q. Would it, or not,be to the best interest and advantage of the infant remaindermen for the Court to ratify and confirm the contract or purchase signed by Mrs.Tyson offering said sums which you have just mentioned for the interests of Fred Bragonier Aubert,Abraham S.McDannel and Catherine Aubert Tyson in said property,and give your reasons therefor?

A. The price she offers,in my opinion,is fair and reasonable.Mrs.Tyson has a life interest in the property and she is still a comparatively young woman,being about 53 years of age,and may live for many years. The price she offers is $1200.00 for an one-third interest in remainder,which would be $3600.00 for the property,subject to her life estate,if purchased by anybody else. This price,in my opinion,is fair and reasonable and as much as the interests of these parties would possibly bring if offered at public auction,and in my opinion it would be to the interest and advantage of all the parties concerned,especially these infant Defendants,that the Court should ratify and confirm that sale to Mrs.Tyson for their interest in the property. It would give them an immediate