

compelled to appear and answer by a guardian ad litem, said cause being at issue, it is hereby adjudged, ordered and decreed that one of the standing examiners of this Court take testimony to support the allegations of the Bill and also any other testimony which may be offered by any of the parties to said cause. August 2, 1932.

Hammond Urner

(Filed August 2, 1932)

T E S T I M O N Y.

Daisy M. Day and Murray O. Day, her husband	:	No. 12531 Equity.
	:	
vs.	:	In the Circuit Court for
	:	Frederick County,
Laura W. Day, widow, et al. and Rufus A. Day and William E. Day, Infants :	:	In Equity.

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To the Honorable, the Judges of said Court:

In pursuance of an order of the Court and notice given me by the Solicitor for the Plaintiffs I, Albert S. Brown, one of the standing examiners of your Honorable Court did, on the 4th day of August, A. D. 1932 at the Law Office of the Examiner in the City of Frederick and State of Maryland, at the hour of eleven o'clock A. M., proceed to take the following depositions of the Witnesses in this cause then and there produced before me ex-parte.

Present Mr. Frank C. Norwood

Solicitor for the Plaintiffs

No appearance for the Defendants.

Exhibit No. 1 to the Bill of Complaint was filed as evidence and is so marked.

John S. Watkins, a witness of lawful age produced on the part of the Plaintiff being first duly sworn and examined viva-voce, deposes and says as follows.

My name is John S. Watkins, I am 51 years of age and I live near Kemptown in this County, I know all the parties to this cause, I knew American A. S. Day in his lifetime, he died in the month of December 1929, He left no will - dying intestate. He left surviving him a Widow Laura W. Day and an adult daughter Daisy M., whose husbands name is Murray O. Day - a son whose name was Rufus A. Day, whose wifes name is Myrtle L. Day, has died since his Fathers death, he left surviving him his wife Myrtle O. Day and two infant children Rufus A. Day Jr. now about 10 years old and a son William E. Day now about 4 years old, both of these children live with their mother in Frederick County, Rufus A. Day died intestate. American A. S. Day died seized and possessed of a farm of seventy and one-half acres and twenty-eight square perches of land in this County. I look at the deed filed in this case as Exhibit No. 1- it is a deed for this Land and correctly describes it. This land is worth about \$3500.00 at this time. This property is not susceptible of division amongst the Parties having interests therein without loss and injury, there is but one set of buildings on the premises and I don't see how it could be divided. It would be to the benefit and advantage of all the parties in interest especially the Infants that the property be sold and the proceeds divided amongst all the parties. Land is not easily rented now, and the property will soon become in bad repair. It would be better to sell it.

To the General Interrogatory propounded by the Examiner.

Answer.

Nothing further

John S. Watkins

(1 day 13 miles)

Garrison Moxley, a witness of lawful age produced on the part of the Plaintiff being first duly sworn deposes and says as follows being examined viva-voce.

My name is Garrison Moxley, I am 56 years of age and I live near Kemptown, this County. I know the parties to this case - I knew American A. S. Day in his lifetime he died intestate