

WHEREFORE the Complainants pray that your Honorable Court will pass an Order appointing some suitable person as Guardian ad litem.

- Stoner & Storm
ATTORNEYS FOR COMPLAINANTS.

Upon the foregoing Petition it is Ordered this 15th day of May, 1928, by the Circuit Court for Frederick County in Equity that John H. Martz be and he is hereby appointed Guardian ad litem to appear and answer for Woodrow Rutherford and Viola Rutherford the defendants who are infants under the age of twenty-one years.

Hammond Urner

(Filed June 15, 1928)

ANSWER OF GUARDIAN Ad Litem.

Myrtle M. Rohrback, et al	:	No. 11683 Equity.
	:	
Vs.	:	In the Circuit Court for
	:	
Woodrow Rutherford and	:	Frederick County, sitting in Equity.
Viola Rutherford, Infants.	:	
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THE ANSWER of Woodrow Rutherford and Viola Rutherford infants under the age of twenty-one years, by John H. Martz Guardian ad Litem, to the Bill of Complaint of Myrtle M. Rohrback et al against Woodrow Rutherford Infants 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.

John H. Martz
GUARDIAN AD LITEM.

(Filed June 15, 1928)

T E S T I M O N Y.

Myrtle M. Rohrback, Perry Rohrback,	:	No. 11683 Equity
her husband, Annie E. Fisher, George	:	
W. Fisher, her husband, Julia M. Coates	:	In the Circuit Court for
and Charles Coates, her husband,	:	Frederick County.
	:	
Vs.	:	
	:	
Woodrow Rutherford and	:	
Viola Rutherford, infants.	:	
	-	
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TO THE HONORABLE JUDGES OF SAID COURT:

The above cause being at issue upon the Bill, Exhibits and Answers filed in said cause and at the request of the Solicitor for the Complainants in said cause to take testimony therein, I, D. Princeton Buckey, one of the standing examiners for the Circuit Court for Frederick County, duly appointed, qualified and sworn, met the Solicitor for the Complainants and the witnesses at the office of William M. Storm, Esquire, on June 20, 1928, at the hour of ten o'clock a. m. and then and there with the assistance of Hettye Ham, Clerk and Stenographer, she having first been duly sworn as such to take the following depositions, that is to say, present William M. Storm, Esquire, Solicitor for Complainants.

Francis C. Pearl, a witness of lawful age after having been duly sworn, deposes and says:

"My name is Francis C. Pearl. I am 41 years of age, and reside at Lander, Maryland. I knew Robert R. Rutherford and had known him for 25 or 30 years before he died and I resided one field distant from his place during the last six years of his life and for eight years before that I resided one mile or one and one-half miles from him.

I know the members of his family and they are as follows: Myrtle M. Rohrback whose husband's name is Perry Rohrback and who reside at Point of Rocks, Annie E. Fisher whose husband's name is George W. Fisher and who reside at Point of Rocks, Julia M. Coates whose husband's first name I do not know and who reside near Taylorstown, Virginia, Woodrow