

496 Rutherford who is an infant and who I am informed lives in Hagerstown, and Viola Rutherford, an infant who does not live in our Neighborhood now, the Juvenile Court having placed her some other place.

Robert R. Rutherford died the early part of this year and as far as I know he left no Will.

Mr. Rutherford's wife died before he did and the above mentioned children are his only heirs at law."

Question: I hand you, Mr. Pearl, Exhibits A. B. C and D and ask if this is the property of which Mr. Rutherford died seized and possessed.

Answer: Yes, and this property contains about 57½ acres of land, more or less, which Exhibits are now filed as A, B, C and D.

This property joins the property of Mr. C. A. Fawley and Joshua LaPole, in Jefferson District, Frederick County, Maryland, and consists mostly of mountain land and is improved with a two-story log and weatherboard house and has a small stable in fairly good condition.

This property is located on the Jefferson-Point of Rocks road and is located near Lander schoolhouse. This property cannot be divided among the children interested therein without loss and injury and at present is unoccupied and is deteriorating in value and it would be to the best interest and advantage that the same be sold. This property is worth about THREE HUNDRED (\$300.00) DOLLARS.

TO THE GENERAL INTERROGATORY.

Nothing further.

Francis C. Pearl

Charles A. Fawley, a witness of lawful age, after having been duly sworn, deposes and says:

"My name is Charles A. Fawley. I am 60 years of age. I reside near Lander, Frederick County, Maryland.

I knew Robert R. Rutherford in his lifetime and had known him for 24 years before he died.

Robert R. Rutherford died in March of this year and left the following children: Myrtle M. Rohrback whose husband's name is Perry Rohrback who resides near 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, but they reside near Taylorstown, Virginia, Viola Rutherford, an infant who resides near Frederick, having been placed in a home by the Juvenile Court, Woodrow Rutherford, an infant who resides in Hagerstown.

These are all the children of Robert R. Rutherford and his wife died before he did. I hold in my hands the Exhibits marked A, B, C and D and they describe the property of which Robert R. Rutherford died seized and possessed, containing about 57½ acres of land, as far as I know.

As far as I know Mr. Rutherford did not leave any Will. This property cannot be divided without loss or injury and it would be to the best interest and advantage that same be sold. This property is improved with a two-story dwelling house and a small stable, and is worth about THREE HUNDRED (\$300.00) DOLLARS.

TO THE GENERAL INTERROGATORY.

Nothing further.

Charles A. Fawley

No other witnesses being produced before me and no further time being required for the taking of said testimony and depositions in said cause, I than at the request of the Solicitor for the Complainants close the depositions so taken by me and now return the same to your Honorable Court on this 20th day of June, 1928, at the City of Frederick, State of Maryland.

WITNESS MY HAND AND SEAL.

D. Princeton Buckey (SEAL)
EXAMINER.