

authority aforesaid that the complainants take testimony before one of the Examiners of this Court, to support the allegations of their Bill of complaint.

Arthur D. Willard

(Filed October 7, 1932)

T E S T I M O N Y.

William F. Cover & Son	:	No. 12,540 Equity.
	:	
vs.	:	In the Circuit Court for
	:	
Miller Construction Company.	:	Frederick County, in Equity.

- - - -0- - - -

To the Honorable the Judges of said Court:

The above cause being at issue and notice having been given me by the Solicitor for the Plaintiff of a desire to take testimony in said cause, pursuant to the decree pro confesso passed by your Honorable Court on the 7th day of October, 1932, I, D. Princeton Buckey, one of the standing Examiners of your Honorable Court, duly appointed, qualified and sworn, met the Plaintiff and their witnesses at the office of H. Kieffer DeLauter, Esq., in Frederick City, Maryland, on Thursday, November 3, 1932, at the hour of 3 o'clock p. m., and then and there proceeded to take the following depositions, that is to say:

Present: H. Kieffer DeLauter, solicitor for the Plaintiff,
Plaintiff and witnesses.

CARROLL W. COVER, a witness of lawful age, and one of the complainants, on his own behalf, being first duly sworn deposes and says:

1. State your name, age, residence, occupation and relation to this suit.

Ans. My name is Carroll W. Cover, I am 42 years of age, reside at Keymar, Maryland, am a lumber dealer and am one of the complainants in this suit.

2. Of whom is the firm of William F. Cover and Son, composed? And what is the line of business?

Ans. My father William F. Cover and myself, Carroll W. Cover, and we are engaged in the lumber and building material business.

3. State whether or not your firm had a contract with the Miller Construction Company.

Ans. We had a contract with the Miller Construction Company made through a Mr. A. L. Hepler, who was their representative here, to furnish the materials for the erection of two buildings on their lot of land at Walkersville, in Frederick County, Maryland, The first building is a large frame factory building having a frontage of forty feet and a depth of eighty feet, the front of the building is two stories high and the rear only one story, this building is constructed of frame weatherboarded and with a metal roof, the other building is a storage shed one story high and twelve by sixteen feet in size, this building is frame and a paper roof, these two buildings are on the same lot and the storage shed was built for the purpose of storing materials during the construction of the other building.

I look at Exhibit Mechanics Lien now handed me and it is the amount of materials furnished and the prices at which they were furnished, which were the prevailing prices at that time.

The balance due us on this account is nine hundred, forty and 57/100 dollars (\$940.57), which is apportioned as follows: \$806.19 on the larger building and \$134.38 on the storage shed.

That the Miller Construction Company is the owner of all that lot of land, located at Walkersville, in Frederick County, Maryland, fronting on the public road leading from Walkersville to the Emmitsburg Pike for a distance of eighty feet and running back to the Pennsylvania Railroad about four hundred feet. This lot of land is a part of the same lot of land which was sold by G. C. Windbrenner and wife to the Farmers Supply Company of Walkersville,