

It appearing from the proceedings in this cause that the order of publication issued therein has been duly published as herein set forth, giving notice to the defendants of the nature and substance of the bill of complaint filed, and the said defendants having failed to appear, either in person or by solicitor, and answer the bill of complaint therein filed against them.

It is thereupon, this 23rd day of December, 1938, by the Circuit Court for Frederick County, in Equity, adjudged ordered and decreed that the said Bill of Complaint be, and the same is hereby taken Pro Confesso against the said Eleanor E. Downey, James Downey and Vincent Hardman, defendants in said cause.

AND it is further ordered that depositions be taken before one of the standing examiners of this Court in support of the allegations of the bill of complaint.

Edward S. Delaplaine

Filed December 23, 1938.

Testimony

John D. Elder, et. al.	"	No. 13,812 Equity
	"	In the Circuit Court
vs.	"	For Frederick County
Eleanor E. Downey, et. al.	"	In Equity.

TO THE HONORABLE JUDGES OF SAID COURT:

Pursuant to the decree Pro Confesso and the Order of your Honorable Court passed in the above-entitled cause, and at the request of the Plaintiff's Solicitor to take testimony therein, I, Alfred R. Jones, one of the Standing Examiners of your Honorable Court, duly appointed, qualified, and sworn, at the office of Alfred R. Jones, Esquire, Frederick City, Maryland, on the 25th day of January, 1939, at the hour of 11:30 o'clock, A. M., proceeded to take the following depositions of the witnesses then and there produced before me, that is to say,

Present:

Frank J. Campbell, Esquire, Solicitor for Plaintiffs
Plaintiff and his witnesses.

Peter F. Burket, a witness of lawful age, called on behalf of the Plaintiffs, being duly sworn deposes as follows:

Will you please state your name, occupation and address? Peter F. Burket, retired, Emmitsburg, Md.

Are you familiar with the property on E. Main Street, in the Town of Emmitsburg? formerly occupied by Mrs. Sarah B. Elder, deceased? Yes, sir. It's a brick, two story building, having six rooms and a bath.

Is the property of such a nature that it could be partitioned and divided among the parties in interest without great loss and damage to them and each of them? No, it could not be partitioned.

Is the property occupied? No, sir.

Are you acquainted with the parties to this Bill of Complaint? I am acquainted with all of the plaintiffs and one of the Defendants, Vincent Hardman.

Is it your opinion that it would be to the best interest of the parties to the Bill of Complaint that the property be sold? Yes, sir.

Have you had any experience in the appraisal of real estate? I have. I have appraised real estate for forty years.

Are you familiar with the value of real estate in the vicinity of the property formerly occupied by Mrs. Sarah B. Elder, deceased, located on the South side of East Main Street, Emmitsburg, Md.? Yes sir.