

Joseph B. Six, one of the Complainants, after making affirmation and being duly sworn by Wilbur F. Sheffield, Jr., one of the standing examiners of the Circuit Court of Frederick County, Maryland, deposes and says:

By: Mr. Fout

Q. Will you please state your name, age and residence?

A. Joseph B. Six, I am 55 years of age, and I reside near Johnsville, Frederick County, Maryland.

Q. You are one of the complainants in this equity procedure wherein Luther A. Baumgardner, unmarried, is named defendant?

A. Yes.

Q. You are a half ($\frac{1}{2}$) owner of a certain farm in Johnsville Election District, containing 43 acres of land, more or less?

A. Yes.

Q. Did you, on or about September 25, 1951, enter into a lease agreement as Lessor with Luther A. Baumgardner?

A. Yes and my mother, Fannie I. Six, was the actual owner of the farm at that time, however, I signed the lease along with her.

Q. Subsequent to the date of this lease did your mother convey and interest in this farm to you?

A. Yes. Sometime during the year 1956, Fannie I. Six, widow, conveyed a half-interest in this farm to me and a half-interest to my sister, Nellie S. Nusbaum, as joints tenants.

Q. Have you or your sister received any monies by way of royalty under the above mentioned lease from Luther A. Baumgardner?

A. No. We have never received any monies, in fact my mother never did either.

Q. Is there any kind of a mine on your farm above mentioned?

A. Yes, I guess you could call it a mine. Many years ago, before I was born, two holes were dug on the rear portion of the farm which joins the Brethren Church property. I remember as a boy seeing these two holes that had been dug before I was born and