No. 5698 Equity

Testimony

Edward Linn, a witness of lawful age produced on the part of the Plaintiff being duly sworn and examined deposes and says as follows

1st Int. State your name, age and place of residence?

Ans. Edward Linn — 70 years: Frederick City.

2d Int. Are you acquainted with the parties to this suit and if you know them and each of them?

Ans. I am I have known them all their lives.

3d Int. Are you acquainted with the real estate described in Exhibit No. 2 now shown you whereof the said John Thomas is seized and possessed and if yes, state the character and value of the same?

Ans. I am acquainted with said real estate. It is a Mountain lot of about 20 acres. It is situated near the old Furnace and it is worth probably $20 - per acre.

4th Int. You say you are acquainted with said real Estate. Will it or not be to the benefit and advantage of the said John Thomas Linn non compos mentis, that a decree be passed for the sale of the said real Estate? State fully the facts and circumstances?

Ans. I think it would because it is just laying there and bringing his Estate no revenue and it has to pay out money for taxes on the land and besides it is subject to depredations by persons living in the Mountain.

To the Gen. Int. by the Examiner

Ans. I do not.

(signed) Edward Linn.

William C. Birely, a witness of lawful age produced on the part of the Plaintiff being duly sworn and examined deposes and says—

1st Int. State your name, age and residence?

Ans. Wm. C. Birely: 40 years. Frederick City.

2d Int. Are you acquainted with the parties to this suit? If yes, how long have you known them and each of them?

Ans. I am. I have known them both for twenty years or more.

3d Int. Are you acquainted with the real estate described in Exhibit No. 2. now shown you of which John T. Linn is seized and possessed? If yes, state the value and character of the same.

Ans. I do not know it by having been it or gone over it, but I take it for granted that this is the Mountain lot I have heard of his owning. I understand it is in Tuscarora District in the Mountain, and from my knowledge of land in that neighborhood, I should not consider it very valuable. I understood that it is simply a Wood Lot and not tillable land.

4th Int. From your knowledge of the character of the land above described would it or not be to the benefit and advantage of the Estate of the said John T. Linn that a decree be passed for the sale thereof? State all you know about it—

Ans. I should think it would be to the benefit of the Estate to have it sold because in its present state it is unproductive and it is a burden upon the balance of the trust Estate for taxes, and in my opinion it would be best to have it sold and the money invested in some productive ways