No. 5712 Equity.

the said Barbara A Birely and give their names, ages and residences and if any of them are married, the same facts of their husbands and wives as the case may be?

Ans. It will rest in the testators Children, who are as follows—

(1) A son, Samuel M. Birely, whose wife's name is Belva A. Birely, both of whom are adults and reside in Frederick County.

(2) A daughter, Lilly J. now the wife of William S. Dutton both of whom are adults residing in the State of Pennsylvania.

(3) A daughter, Mary A Birely who is an unmarried adult living Frederick County.

(4) A daughter Elizabeth A Hooks, who is married to Robert L. Hooks both of whom are adults and reside in Carroll County, Md. and

(5) A son, Morris A. Birely an infant nearly 18 years of age who resides with his mother in Frederick County.

6th Int. State whether or not it would be to the benefit and advantage of all the said parties, especially said infant to have the said real estate sold and the proceeds reinvested under the direction of this Court and give your reasons fully for your answer?

Ans. I believe it to be to the best interest of all to have it sold and the proceeds reinvested for the reason that the property is too expensive for my mother to keep up, the buildings being large and the tract of land small, and because the property is in need of repair and is depreciating in value; and also because I believe that at this time it can be sold to an advantage. I believe that if the property is sold and a part of the proceeds invested in a smaller property for my mother and the balance of the money invested so as to bring her an income, that it will be better for her and also for the heirs who are to take after her death.

To the Gen. Int. by the Examr.

Ans. I know of nothing further.

(signed) Samuel M. Birely

Levi F. Miller 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 residence and whether you are acquainted with the parties to this suit?

Ans. Levi F. Miller, 59 years - Double Pipe Creek Frederick County, I know all the parties to this suit.

2d Int. Did you know Samuel Birely late of Frederick County? If yes is he dead or alive? If dead, did he leave a will and if so look at Exhibit No 1. now shown you and state if that is a copy of the same?

Ans. I knew him. He is dead. He left a will. I look at Exhibit No 1. now shown me and that is a certified copy of his will.

3d Int. Are you acquainted with the house and lot with four acres of land devised in said will to the Plaintiff during the term of her natural life, with a devise over in case of her marriage to the lawful heirs of the said testator? If yes state the value of the same and where situated?

Ans. I know that property. It is situated in Ladiesburg in Frederick County. It is worth about 2500.

4th Int. State whether or not the said Plaintiff has remarried?

Ans. She has not.

5th Int. State who are the heirs at law in whom the said property will rest at the death of the said Barbara A Birely and give their names, ages and residences, and if any of them are married, the same facts of their husbands or wives as the case may be?