No. 6246. Equity.

parties to have the land sold and the proceeds divided among the persons interested.

Ans. I think so. decidedly.

To the general interrogatory -

I dont know of any thing else

John A. McAlister.

Charles Miller, a witness of lawful age produced on the part of Complainant being first duly sworn by me, deposes and says: -

1st Int. State your name age and residence? Charles Miller. my age is 31 years and I reside in Frederick County.

2 Int. Did you know John D. Miller late of Frederick County. if you is he living or dead, and if dead when did he die and did he die testate or intestate?

Ans. I did. he was my father. he is dead he died December 26, 1865 - he left no will

3 Int. Did he or not die seized and possessed of any real estate, if you described the same, give its value and tell how he obtained title to the same.

Ans He owned real Estate in Frederick County at the time of his death. He owned a farm 94½ acres and a wood lot of between 3 and 4 acres all in woodsboro District of said County.

The farm is worth perhaps $65 or $70 per acre and the wood lot might be worth $20 or $25.00 per acre

Father was willed the farm by his father John Miller, deceased, and he obtained the wood lot by deed from Daniel F. Porcus & wife in 1873 -

4 Int Look at the papers now shown you marked Exhibits No 1 & 2 and whether or not they Correctly describe the above mentioned land of which your father died seized and possessed.

Ans The farm mentioned in Exhibit No 1. which is my grand fathers will, as the home farm is the farm of which my father died seized and possessed, and the real estate described in Exhibit No 2. is the wood lot of 3 or 4 acres of which my father died seized and possessed.

5 Int Do you know whether your father paid to his four sisters mentioned in your grand fathers will, the Amounts he was therein required to pay to them, to Complete his title to said farm?

Ans. I saw his receipts there at home to show that he had paid it.

6th Int Did said John D. Miller leave a widow now living if yes what is her age name, and condition of health?

Ans Yes sir he left a widow! my mother. she is living. her name is Catharine Miller. her age is about 63 or 64 years. Her health is good for her age. she resides in Frederick County.

7 Int Did the said John D. Miller leave any Children now living if yes state their names ages and residences and if any married give their names and ages and residence.

Ans. My father John D. Miller left four Children 3 of whom are still living namely.

1. Annie Miller, a daughter, unmarried an adult above 21 years
2. Myself, Charles Miller, unmarried, an adult,