No. 7723 Equity.

Testimony.

Ans. I did I lived right aside of him. He is dead, having died on or about the 3rd day of June, 1900.

4th Was he seized and possessed of any real estate at the time of his death, and if yea, describe fully and state its value as near as you can?

Ans. He owed at the time of his death a 1/2 undivided interest in a farm situated in Woodsboro Dist. Frederick County, Maryland. The farm contains about 178 acres of land and is worth in all about $5000.00

5 Did he leave any heirs at law and if yea, who and where do they reside?

Ans. He left a surviving widow Mary M. Mort about 53 years of age and the following named children, Catharine M. Lohr, whose husbands name Harry C. Lohr both of whom are adults, and Bessie M. Mort a daughter aged 18 years, William T. Mort a son aged 16 years all of whom are residents of Frederick County, Maryland.

6. Did Mr. F. R. Mort die with or without a will?

Ans. He died without a will.

7 Look at exhibit A. now shown you and state whether or not it correctly describes the property you have mentioned as that of which Fred. R. Mort died seized and possessed?

Ans. I look at Exhibit A. and it correctly describes the land.

8 Would it be to the interest and advantage to all the parties to this cause to have the property sold under a decree and the proceeds divided amongst the parties entitled or is the land susceptible of division amongst the parties without loss and injury?

Ans. The land could not be divided without loss and it would be to the advantage of all and especially the infant heirs to have the property sold and the proceeds divided.

To the general interrogatory by the Examiner

Ans. Nothing further.

Levi F. Kemper.

Calvin N. Loy, a witness of lawful age produced on the part of the plaintiff having first been duly sworn and examined viva voce deposes and says My name is Calvin N. Loy, age 59 years, and I reside at Loys Frederick County, Maryland. I am not connected with this suit, and I know all the parties thereto, I knew Frederick R. Mort during his life time; he died on or about the 3rd day of June 1900, intestate and left a widow Mary M. Mort, who lives in Frederick County, Maryland, and the following children surviving him as his heirs at law: Catharine M. Lohr whose husbands name is Harry C. Lohr, both of whom are Adults, a daughter Bessie M. Mort, 18 years of age and a son William T. Mort 16 years of age all of whom reside in Frederick County, Maryland.

At the time of his death Frederick R. Mort was possessed of an undivided 1/2 interest in a farm situated in Woodsboro Dist. Frederick County, Maryland, which farm contains about 178 acres and is worth about $5000.00 I look at "Exhibit A" now shown me and it correctly describes the property as will be seen by "Exhibit A." William H. Mort is the owner of the other undivided one half interest, who with his wife are plaintiffs in this cause.

I look at Exhibit B. filed with the Examiner in this cause (at this juncture