

NO. 4253 Equity.

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?

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

In the General interrogatory by the Examiner.

Nothing further.
Levi F. Hines.

Calvin H. Lay, a witness of lawful age produced on the part of the plaintiff having first been duly sworn and examined viva voce before and before the Court.

My name is Calvin H. Lay, age 59 years, and I reside at Lays, Frederick County, Maryland. I am not connected with this suit, and I know all the parties thereto. I knew Frederick T. Mort during his lifetime; 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 named children surviving him as his heirs at law: Catherine M. Lohr whose husband's 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 T. Mort was found of an undivided $\frac{1}{2}$ interest in a farm situated in Woodstock, Md.; 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 case.

I look at Exhibit B, filed with the Examiner in this cause (at this juncture plaintiffs filed with the Examiner Exhibit B, as evidence) and it describes the conveyance of ten acres of land more or less situated as a part of the land decedent in the proceedings through it does not specifically say so for a water right and for the purpose only. I know that the conveyance was made about 2 years ago.

The property mentioned in Ex A cannot be divided