No. 8037 Equity

Ans. Benjn T. Dates 68 years old. I reside in Loudoun County, Va. near Point of Rocks. I know all the parties to this suit except the children of Philip Henry Keater. I have seen two of these children. They are non-residents of Maryland. I live near Jonesville in this Dist. I know the land mentioned in these proceedings. I lived on it for about 9 years. It is an Island in the Potomac River near the Point of Rocks. I live eight miles from it in Va. It is in Frederick Co. Maryland. 2. Look at the paper cover shown you marked Q.R.S. & state what it is. Ans. I look at the paper. It is a Certified Copy of a deed of the real estate to Richard Keater and I think correctly describes the property mentioned in these proceedings. The tract contains 188 acres, more or less. Q. What are the improvements on said Island? Ans. There are a frame dwelling, a meat house, barn, corn house, a good stable for a horse. Q. Is that land susceptible of division and partition amongst the parties interested therein without loss and injury and to the interest and advantage of all the parties to have the same sold under a decree of the Court and the proceeds divided according to their respective interests, if yea state your reason why? Ans. In my opinion, it would be to the interest and advantage of all the parties of interest to have real estate mentioned herein sold and have the proceeds divided because there is a tract of land lying in the Potomac River about 300 yards from either shore. There is but one fond that can be used to the River near the land. There is but one set of buildings upon the Island. There is some small amount of fencing on it, but not to amount to anything. I do not see how it could be divided amongst the parties interested in it without loss and injury. You could not divide it so that any fond could be used by each party without fencing off the land of the other. You couldn't divide the buildings upon it. The Island is flat. If one party did not get the buildings would get working out the land. There would be the suitable feeder to water, as the balance of the land is all subject of an over flow. To divide it would require lot of new fencing, and after it was all done, still would be in danger to overflow from that. The Island amongst as it now, would not be divided without loss and injury. Q. Would or would it not be advantageous to all the parties concerned to have the real estate sold and have the proceeds divided among the parties according to their respective interests. Ans. Yes Sir it would be much better to sell it, and would be advantageous to the parties concerned to do this because of the divided ownership resulting in differences of opinion as to how the land should be tilled, the repairs to the property and the obtaining of suitable tenants. It would much better that it should be given by one person. Q. Would it or would it not be advantageous to all the parties having an interest in said lands to see the same as an entirety as a whole under a decree of the Court? Ans. Yes Sir because it would bring much more sold as a whole than in proportion to what it would bring if sold divided. No one would want to buy it all, as just a half of it. Q. What is the land worth? Ans. about $60 per acre if sold as a whole. If sold as a whole. a tract containing about 188 acres. $50 per acre. To Cross Int.

Nothing More

B. T. Dates

Carlton E. Ahalt a witness of lawful age, produced on the part of the Plaintiff having been duly sworn deposes and says:— State your name age and residence, do you know the parties to this suit, also do you know the land in question. Ans. Carlton E. Ahalt 65 years old. I reside in Loudoun Co. Va. And I know all the parties to this suit excepting the children of Philip Henry Keater, and I know the land mentioned in these proceedings. You know John Keater in his lifetime, is he living or dead, if dead when did he die? Ans. Yes Sir I know John Keater, he is dead, he died in 1874. Did he die testate or intestate? Ans. I know of any will. He resided in Frederick Co. Maryland, in the Potomac River near Point of Rocks. I look at Exhibit No. 3, it is a deed, and describes the land as a whole. Q. Who were the heirs of John Keater deceased? Ans. Richard Keater, Philip Henry Keater, George H. Keater and Sarah Jane Keater who is now married to John H. Nelson all of whom are living except Philip Henry Keater who is now dead, they are all now residents of Maryland except George H. Keater who resides in Frederick Co. Md. Q. Is Keater's name Julia E. Q. She is now a resident of Maryland, and resides I think at George Q. E. Q. Did Philip N. Keater leave any children as heirs at law surviving him? If so where do they reside. Ans. Yes Sir. They reside some where in the west not in Maryland. I do not know their number but there are 3. of them 2 boys & one Girl. They are all adults. Q. What are the improvements on this land. Ans. A frame house, Good stables, and other small outbuildings as mentioned. Q. Is that Island susceptible of partition and division amongst the parties entitled thereto without loss and injury, and would it be to the best interest and advantage of all the parties to have the same sold under a decree of the Court and the proceeds divided according to the respective interests? Ans. In my opinion it would be to the interest and advantage of all the parties to have the real estate mentioned herein sold and the proceeds divided because this tract of land is an island in the Potomac River about 300 yards from the nearest shore and but one fond that can be used that only near the Frederick & Middletown Connecting with a gravel road. There is only set of buildings on the Island and they are nearly at the highest point, and as the only suitable point on the Island and the other half of the land is all subject to over flow. There is a small amount of fencing on it, none of any consequence, I do not see how it could be divided amongst the Heirs without loss and injury as there is but one fond, and then would be no feeder to water the cattle if the land was divided. I would require fencing, laying out of roads and then one set would not get the buildings unless there was a road to run.

8th.

Would it or not be advantageous to all the parties concerned to have the said real estate sold and the proceeds divided among the parties according to their respective interests under a decree of the Court. Ans. Yes it would be advantageous to all the parties to have the property sold and the proceeds divided among them, because it is a divided ownership, results in differences of opinion as to repairs to the property, the letting of the same, the sale of the crops and the selection of a tenant. I might add a word, be consulted your opinion.

9th.

Would it or not be advantageous to all the parties having any interest in the said land to see the same as one tract under a decree of Court? rather than sell it as divided or undivided? Ans. Why certainly it would be decidedly better to see the tract as a whole because as one would want to buy and undivided half because it is not susceptible of division for the reasons I have given to divide the tract and offer a half. It would not bring within $20 per acre of what it would bring sold as a whole.

10.

What is this land worth? Ans. From $45 to $50 per acre.

To the Cross Int.

15 Miles. Nothing further. Carlton E. Ahalt.

Richard Keater the Plaintiff produced in his own behalf, having been duly sworn deposes and says:— State your name, age and residence do you know the parties to this suit. Ans. Richard Keater 69 years old and reside in Loudoun County, Va. I know all the parties to this suit, I am the Plaintiff.

Look at Exhibit No. 2, and state what it is? Ans. It is a Copy of my father John Keaters Will.

Are you the Richard Keater mentioned in said Will as Executor. Ans. Yes Sir.

Was the John (4) Keater mentioned in said Will the same John Keater from whom the Island mentioned in these proceedings originally belonged? Ans. Yes.