

NO 8315, Equity.

line from the point where east face of foundation
 wall of the station extended would intersect said
 Centre line, and running thence (1) S. 11 1/4° E. 226 1/2
 feet to the Centre of the Heligontown road. (2) S. 79° E.
 440 1/2 feet along Centre of said road (3) thence with
 lots heretofore sold N. 12 3/4° E. 209. 7/10 feet to a stake;
 (4) N. 79° W. 503 5/10 feet to the beginning, containing
 2 9/100 acres of land, but never acquired a title
 thence though the purchase money therefor was paid
 by the said James S. Biggs. The trustee appointed
 under these proceedings should be authorized to convey
 the said property to the widow and children of
 the said James S. Biggs. The said property to
 the widow and children of the said James S. Biggs
 The Property is not susceptible of division among the
 parties in interest in as much as the lot is small
 and has but one dwelling house upon it. It
 would be to the interest of the widow and children
 if the trustee to be appointed under these proceedings
 would have the authority to sell the said property
 and divide the proceeds between the parties in
 interest according to their respective rights.

The property referred to in these proceedings
 is not susceptible of partition among the parties
 entitled to interests therein without material loss
 or injury and it will be necessary that all
 of said real estate be sold and the proceeds therefrom
 divided among the parties according to their several
 interests therein. The reason for this opinion is that the
 value of the interest of William H. Biggs could not be ascer-
 tained in any way except by a sale, and for the
 additional reason that each farm has but one set
 of farm buildings and it would be impossible to
 divide the land with any degree of fairness among
 the large number of persons interested owing to the unequal
 value of the land containing the improvements and
 the land having no improvements.

During the month of November 1907.
 anticipating a sale of these properties I negotiated
 a sale for the lot through in Frederick County, to
 Chambers J. Crager for the sum of Four Hundred
 Dollars (\$400.) subject to the ratification of this Honorable
 Court in the suit now pending. I think the price obtained
 for the lot is a full and fair one and that it would
 be to the interest of all parties to the suit that the
 sale should be ratified.

Robert H. Biggs

The general Interrogatory being propounded to the

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