

## No. 8820. Equity.

Said Daniel E. Glavin, have advertised the property for sale under the power of sale of said sale in the mortgage and was about to sell it, as appears by Exhibit No. 1 filed with the Will, the Executor as Executor of the Will of Catherine S. Miller obtained an order from the Orphans Court of Frederick County, and paid off the mortgage \$2262 <sup>23</sup>/<sub>100</sub> which included principal interest and costs of advertising &c. This money with interest thereon from the date of its payment by him will have to be reimbursed to him out of the proceeds of sale of the property, because the parties are not able to take it up themselves.

The paying off of the mortgage by Eckstein prevented the property from being sacrificed by a sale for cash at a season of the year (in August) when land would not bring its full value and likewise protected the equity of redemption for the benefit of the children of Margaret E. Miller who have an interest therein.

The said Ella S. Miller is still insane and never recovered her reason and is still in Montrose Hospital.

In my opinion the land is worth from \$5000 - to \$5500 -

No Cross Examination.

In the Gen Svt. by the Examiner.

Ans.

I think not.

Thomas F. Bively.

Daniel J. Eyles, a witness of lawful age produced on the part of the Plaintiff being duly sworn and examined *vi-à-voce* deposes and says as follows:-

My name is Daniel J. Eyles; my age is 81 years; I reside in Woodsboro Dist. in Frederick County. I know the parties to these proceedings and the same mentioned in herein.

I have heard the testimony of Thomas F. Bively the preceding witness as to the names ages and residence of the parties to this cause and know the same to be correct.

I knew Margaret E. Miller the first wife of George V. Miller and the mother of their children. She is dead having died without a will about 1884.

I knew Catherine S. Miller, the second wife of George V. Miller. She was my sister and she is dead, having died July 16, 1911.

I also knew George V. Miller. He is dead;