

No. 8820 Equity.

He died before his second wife in May 1908.
The land mentioned in these proceedings is a tract of about 123 Acres lying partly in Frederick and partly in Carroll County, about 8 acres of it lies in Carroll County, and the balance in Frederick County.

This land is not susceptible of partition or division among the parties entitled thereto without loss and injury to their interest therein, and it would be to the benefit and advantage of them all to have the same sold under a decree of the Court, the amount of the mortgage indebtedness paid off by Mr Eckstein Executor, of Catherine S Miller reimbursed to him, and the balance divided among the parties entitled.

The paying off of this mortgage by Mr Eckstein prevented a sale of the property under the mortgage thereon at an unsuitable season of the year and protected the interest of Ella S. Miller as well as the interest and expenses of sale and left little or no Equity of redemption for these children.

The defendant Ella S Miller was adjudged a non compos mentis in 1899, and was sent to Montrose Hospital where she still is, and is still insane. She has never recovered her reason.

This property I think ought to be worth somewhere between \$2000.00 and \$5000.00 (no cross examination).

To the Gen Int by the Examiners,
Nothing further that I can recollect.
Daniel J. ^{his} Eyles.

Test. C. O. Haugh
Who signed
at the request
of an witnesses
(because her arm
is diseased)

Samuel C. Haugh, a witness of lawful age produced on the part of the Plaintiffs being duly sworn and examined viva-voce, deposes and says as follows:-

My name is Samuel C. Haugh; my age is 64 years. I live in Woodboro, Dist. in Frederick Co. I know all the parties to this cause, and the land mentioned in these proceedings. I have heard the testimony of the two preceding witnesses, and know that their testimony as to the pedigree of the parties is correct; and that the persons mentioned therein as being dead, died at or about the times they have stated.

I know that the land mentioned in these proceedings, cannot be divided among the parties without loss and injury to the parties in interest, because it is simply