

NO. 8508. Equity.

witness and the answers thereto, because the same is irrelevant. In the nineteenth interrogative in chief to said witness and the answers thereto, because the same is hearsay. And to the first, second, and third interrogatories propounded to Maria A. Vollemu they should have been asked in the chief, were improper or ordered examination.

John A. Newman  
Sob. for Martina Beall.

Opinion <sup>of</sup> the Court.

Filed July 18-1912

This cause is now before the Court upon exception filed by the plaintiff, Maria A. Vollemu, to the ratification of the sale herein reported by the trustees to the defendant, Martina Beall.

It appears from the record before the Court, that James H. Bease died in the year 1870, <sup>leaving</sup> leaving surviving his widow, Josephine P. Bease, and two daughters, the plaintiff Maria A. Vollemu and the defendant Martina Beall. His only heirs. He died possessed of a farm comprising three parcels of land, which he had acquired at different times of different persons. Parcel one which is described in "Exhibit A", containing two hundred and twenty-four acres, one rood and thirty-four perches, was purchased by him in August 1867. He died without having fully paid the purchase price or obtained a deed therefor.

Subsequent to his death the balance of the purchase money was paid out of his estate, but the land was never conveyed to his heirs. Parcel 2, which is described in "Exhibit C", containing one hundred and six acres, and two perches, he purchased about the year 1868, and died without having fully paid the purchase price, or received a deed therefor. After his death, the balance of the purchase money for this parcel was paid in part out of his personal estate and in part out of the rentals accruing from his real property. By a deed dated the twenty-second day of July, 1879, of which "Exhibit B" is a copy, it was conveyed to his widow and daughters as trustees in common.

Parcel 3, containing two and one-eighth acres, he obtained by a deed dated the thirteenth day of April 1867, of which "Exhibit D" is a copy.

The areas given are taken from the conveyance