

county, and the deed for that is recorded at Hagerstown I suppose, although I don't know, and that tract of land is not included in that mentioned in the Bill of Complaint, but it will be very desirable to sell it all at the same time. This two acre tract in Washington County is not of any ^{very} great value and the expense of advertising and having a separate sale for it would practically eat up the entire proceeds.

Since my brother Solomon's death this property has been in possession of his widow and children. It is deteriorating in value, the buildings are becoming in bad repair, the fencing is going down and it would be in my judgment advantageous and for the best interest of all the parties concerned that this property be sold under a decree of the Court and the proceeds invested and the income arising paid to the beneficiaries under the terms of my brother's will. The present income from the property is not much and, after the payment of the taxes and expense of running it leaves a very small income for them to live on, besides Mrs. Michael has to rely upon hired help to farm the land and, as it is usually the case, the returns are very small.

In my opinion this land would bring about \$3400.00 or \$3500.00. Amanda L. Michael my brother's widow has never remarried.

To the general interrogatory?

A. Nothing more.

James H. Michael.

Capt. Jacob Keogle, a witness of lawful age, produced on the part of the Plaintiff being first duly sworn and examined viva voce, deposes and says as follows--

My name is Jacob Keogle, I am 68 years of age and I reside in Washington County, Maryland. I knew Solomon H. Michael in his lifetime, he died about the month of October, 1899, leaving a last will and testament which has been duly admitted to probate and recorded in the Orphans Court for Frederick County, a copy of which is filed here as Exhibit No. 3. Solomon H. Michael left surviving him a widow, Amanda L. Michael, who has never re-married, and an adult son Charles S. Michael, whose wife's name is Lela Michael, and they reside now in Hagerstown, and a daughter Rose Elizabeth Michael, who is now about 20 years of age, and a son Oscar Hamilton Michael, who is now about 16 years of age. They reside with their mother who is now living on the same place.

Solomon H. Michael at the time of his death owned two tracts of land lying in Frederick County. I look at exhibits Nos. 1 and 2 to the Bill of Complaint and they are certified copies of the deeds for said land and I have every reason to believe correctly describe them. The one tract where his widow lives contains about 43 acres of land, and there is a mountain lot which has 6 acres, 3 roads and 20 perches in it. The tract of two acres conveyed to him by deed Exhibit No. 2 Solomon Michael sold in his lifetime to Edward J. Moser. Then he owned a small tract of about two acres of mountain land which lies just across the line in Washington County and doesn't seem to have been mentioned in either of these deeds, and I suppose the deed for it is recorded at Hagerstown. This two acres is of comparative little value and it would be advantageous to sell it along with all the other land mentioned in this bill of complaint if the Court should decree the same to be sold.

In my opinion it would be to the best interest and advantage of Amanda L. Michael the widow and the children of Solomon Michael that the land be sold and the proceeds of the sale be invested and the income derived therefrom paid over to the parties entitled under the terms of Solomon Michael's will. The land is deterior-