

same should be sold and the proceeds divided among the parties entitled thereto.
To the general interrogatory.

A. Nothing further.

J. Stewart Annan, a witness of lawful age, produced on the part of the Plaintiffs, being first duly sworn, deposes and says-

Q. State your name, residence, age and occupation.

A. J. Stewart Annan, a witness of lawful age; residence Emmitsburg, occupation, County Commissioner.

Q. Do you know the parties to this suit?

A. I do not know all the parties to this suit but I do know the greater part of them.

Q. I now hand you a deed, "Exhibit A". Will you state what you know in reference to the property therein described in regard to its value, condition and location, and whether it would be to the interest of the parties to this cause that the same be sold and the proceeds be divided among them.

A. The deed Exhibit A is a deed from Henry Lingg to Catherine B. Beard and it conveys a small tract of land which is situated two miles South of Emmitsburg. I have known the property for about fifteen years. It contains about three acres and is improved by a weather-boarded frame house. It is not susceptible of division or partition, and I should say it is worth between \$700.00 and \$750.00.

Q. Do you think it would be to the interest of the parties to this cause that the property described in Exhibit A be sold and the proceeds divided?

A. Yes.

Q. Would it be to the benefit and advantage of the infant defendant that this property be sold and the proceeds divided?

A. Yes.

To the general interrogatory.

A. Nothing further.

J. Stewart Annan.

Adjourned until December 18th, 1911 and examination resumed at the law Offices of the Examiners at 2 o'clock, P. M.

Rev. Martin L. Beard.

Rev. Martin L. Beard a witness of lawful age produced on the part of the plaintiff being first duly sworn, deposes and says as follows--

Q. State your name, age and residence, and do you know the parties of this cause?

A. Martin L. Beard, 62 years, and reside in Thurmont. Occupation minister. The parties are my children and sons-in-law and myself.

Q. Did you know Catherine Beard in her lifetime, if yes, state whether she is living or dead, when did she die, and who did she leave as her heirs at law?

A. Catharine B. Beard was my wife. She died June 19th 1910. Our children are as follows--An adult daughter, Grace, whose husband's name is F. Russell Young, an adult daughter Maud M. whose husband's name is E. Carlton Mumford an adult daughter Elinor L., whose husband's name is S. Lester Birely, an adult unmarried daughter whose name is Kathleen M. Beard, an adult daughter unmarried, Haidee V. Beard; an adult son whose name is Paul B. Beard, an infant son, John William, who is eleven years, all of whom are residents of Frederick county.

Q. Did Mrs. Beard die testate or intestate?

A. She died intestate.

Q. Was she or not seized and possessed of any real estate in Frederick County at the time of her death?

A. She owned a tract of land of about three acres, improved by a frame, weather-