

I know that the said Lot of Land and the buildings thereon is not susceptible of partition without material loss and injury to the parties entitled to interests therein, because it is just one small lot about 130 feet front and it would be impossible to divided that small piece of land and the building on it among the parties entitled to interests therein, and for that reason it should be sold and the proceeds divided among the parties according to their respective interests.

I look at the paper marked "Exhibit A" and I know the signatures to be genuine.

I believe that the price offered for said property, \$800.00, is a fair and adequate price for said property. I believe that it is an excellent sale, and I doubt if it would bring near that amount if it was up at public sale, because the party that bought it wants it for a special purpose, and for that reason was willing to pay more for it than any body else, because for his special purpose it is worth more to him than to any body else, and I believe if the \$800.00 be invested the interest on it would bring in more net revenue to the parties interested than is received from the rents of said property. The rents received, after deducting the costs of insurance and State and County and Municipal taxes of the Town of Mt. Airy, all of which are very high, and also allowing for repairs to the building, which said building is in need of repair, would not leave as much net results as the interest on the \$800.00; not by half. For these reasons I believe that it would be to the interest and advantage of all the said parties, including the said Lavinia Smith, infant, that the sale of the said property at the price mentioned should be confirmed by the Court.

Thereupon the Examiner put to said witness the following question:-

Q. Do you know, or can you state any other matter or thing which may be of benefit or advantage to the parties to this cause or either of them, or that may be material to the subject of this your examination, or the matters in question between the parties? If you, please state the same fully and at large in your answer.

A I do not.

J. E. Beatty

Test:- Guy K. Motter.
Examiner.

Frank M. Lewis a discreet and respectable witness produced on the part of the Plaintiffs, first being duly sworn and examined viva voce to interrogatories orally propounded to him by Alexander H. McCormick, Jr., one of the Solicitors for the Plaintiffs, deposes and says:-

My name is Frank M. Lewis, I am 25 years of age and reside Mt. Airy, Carroll County, Md., and I lived there 23 years. I know all the parties to this suit. Laura Smith intestate about six years ago in Frederick County leaving surviving her her husband William E. T. Smith, who departed this life October 27, 1914, the following children and grandchild, her only heirs at law: Royal J. Smith, one of the Plaintiffs, who intermarried with Cora Smith, one of the Plaintiffs, both adults above the age of twenty-one years, residing in Carroll County, Maryland, and Charles A. Smith, who intermarried with India Smith, one of the defendants, both of whom reside in Frederick County, Maryland, and Maud A. Smith, who intermarried with Walter Smith, one of the defendants, Clara E. Slary, who intermarried with Maurice E. Clary, one of the defendants, Minnie Minnick, who intermarried with Elmer Minnick, one of the defendants, and D. Edgar Smith, who reside in Carroll County, Maryland, who are defendants and all adults above the age of twenty-one years, her children, and Lavinia Smith a grandchild, one of the defendants, who is an infant under the age of twenty-one years, having arrived at the age of eight years in the month of March, 1917, and who is living and resides with her mother Mrs. Annie Burgess in New Market, Frederick County, Maryland. said Lavinia Smith, being the only child and heir at law of Earl E. Smith, deceased, who died intestate after the death of his mother Laura Smith I also know John L. S. Aldridge, one of the plaintiffs,

I know ^{that} the said Laura Smith died seized and possessed of a certain piece of land situate in the town of Mt. Airy, in Frederick County, in the State of Maryland, containing sixty-five square perches of land, more or less, being a lot of land fronting one chain and ninety-four links on a fifteen foot avenue which runs between the lands of Andrew J. Baker and Thomas P. Mullinix and it is the same land that is fully described in the deed now shown me.

I know that the Laura E. Smith, the grantee in this deed is the same person as the Laura Smith, the