

No. 10381, Equity,

S, Elmer Brown of W., a witness of lawful age, being duly sworn and examined viva voce, deposes and says as follows;

My name is S, Elmer Brown, I am 27 years of age and an Assistant Treasurer of the Central Trust Company of Maryland, in Frederick City, Maryland,

I know all the parties to this cause, and William Osbie Brown whose real estate is mentioned and described in these proceedings, was my brother, He died on or about March 22nd, last, Intestate, and left surviving him a widow, Margaret E, Brown and an infant daughter, Helen S, Brown the Child of a former Marriage, I think the infant is about eight years of age, I have been appointed Administrator of my Brother's personal estate, and am at present administering this under the Supervision and direction of the Orphans' Court, for Frederick County; and my Father, William T, Brown has been appointed Guardian of Helen S, Brown, the Infant mentioned in this case,

At the time of my brother's death he owned a tract or parcel of land situate lying and being near Adamstown, in Frederick County, Maryland, This property consists of two tracts, the first containing 246 acres 3 roods and 12 square perches of land, more or less, and the second $93\frac{3}{4}$ acres of Mountain land, both of which said tracts are more particularly described in a deed from Samuel G, Duvall, et al., to William O, Brown which deed is dated the 31st day of December 1910, and recorded among the Land Records of Frederick County, in Liber H, W, B, No, 294, folio 354 etc., I look at Exhibit A, which is now handed me, It is the deed above referred to and correctly described the property of which my brother died, seized and possessed,

This property is subject to the lien of a judgment originally confessed by my brother and his first wife, Ada M, Brown, in favor of the Woodsboro Savings Bank, and subsequently assigned to Frank L, Stoner Esq., This Judgment is designated as No, 129 Trials, December Term, 1910, and there is thereon an unpaid balance of \$4000 with Interest from January 1st, 1921, I look at Exhibit B, which is a Certified copy of this Judgment and which is filed in this case,

The Real Estate mentioned and described in Exhibit A, is in my Judgment not susceptible of division among the parties thereunto entitled without loss and injury, and it would be for the benefit and advantage of all the parties hereto, and especially the Infant Helen S, Brown, that the real estate be sold and the proceeds divided among the parties entitled under the supervision and direction of this Court, in my Judgment this property should bring at public sale between sixty and sixty-five dollars per acre for the 246 acre tract, and the mountain land, which is well located and set in chesnut, poplar and oak, ought to bring ten to twelve dollars per acre, I think the property as an entirety ought to bring between fifteen and sixteen thousand dollars,

To the general interrogatory,

A, Nothing further,

S, Elmer Brown, of J, W.

Samuel G, Duvall, witness of lawful age, being duly sworn and examined Viva Voce, deposes and says;

My name is Samuel G, Duvall, I am 59 years of age, and am Assistant Cashier of the Citizens National Bank, Frederick, Md,

I knew William Osbie Brown in his lifetime, He died in the early spring, During his lifetime he was possessed of a tract of land, lying in Buckeystown District, Frederick County, Maryland, I was one of the owners, of this tract of land, who sold it to Mr, Brown, in his lifetime, and I am familiar with the land in question, there were two tracts, one of 246 acres 3 roods 12 square perches, more or less which was farming and grazing land, and second tract of $93\frac{3}{4}$ acres, which was mountain land, I look at Exhibit 4, which is now handed me,

It is a Certified Copy of a deed given by Albert R, Wallis, Fannie E, Wallis, and myself to William O, Brown, dated the 31st day of December A, D, 1910, and recorded in Liber H, W, B, No, 294, folio 354, and it correctly describes the land in question,

I understand that Mr, Brown left surviving him a widow, and a child, by his former marriage, and that they will be entitled to his property,