

No. 10511 Equity.

Harry Wood, a witness of lawful age, produced on the part of the Plaintiff, being duly sworn and examined viva voce, deposes and says as follows;

My name is Harry Wood, I am 55 years of age, I live near New Market and am one of the County Commissioners of Frederick County.

I knew Elisha Swomley and his wife, both of Frederick County, both of whom are dead, and I also knew the lands of Mr. Swomley died seized and possessed, consisting of one farm containing about 105 acres and an adjoining farm containing about 175 acres.

I know the triangular lot back of New Market containing about 2 acres of land.

I understand the parties interested in these lands are Elisha Swomley's children and grandchildren and that they are interested in unequal interests. It would be impossible to divide these farms among the parties in interest without loss or injury to them, for the reason that the parties are so numerous and these two farms comprise two integral parcels of real estate, each with its own separate set of buildings.

In my opinion the 175 acre farm is worth about \$65.00 per acre and the "Brick House farm, on which the barn is, is worth about \$55.00 per acre, and the lot back of New Market is worth probably about \$80.00 per acre. I am not familiar with the wood lot mentioned in these proceedings.

To the General Interrogatory;
Nothing further that I know of.

Harry Wood

(Exhibits 1 to 10 inclusive filed with Examiner)

Whereupon, there being no other witnesses to be examined and no further time required for the taking of testimony in this cause, the said Examiner hereby certifies that the foregoing are the depositions of the respective witnesses as the same were read over and subscribed to by them, and I herewith return the same, enclosed, to the Court, this 24th day of July, 1922.

WITNESS my hand and seal.

Costs of foregoing depositions;

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|------------------------------------|-----------------------------------|
| | <u>D. Princeton Buckey</u> (seal) |
| | Examiner |
| D. Princeton Buckey Examiner's fee | \$8.00 |
| Edith E. Wickham, Clerk | 5.00 |
| Markell H. Nelson, witness | .75 |
| Harry Wood .. | 1.50 |
| Sheriff's costs | 1.20 |
| | <u>\$16.45</u> |

Certified to;

D. Princeton Buckey
Examiner.

(Filed July 25, 1922)

DEED "EXHIBIT NO. 10"

This Deed made this 24th day of August in the year Nineteen Hundred and nine, by me, Charles E. Duvall of Frederick County on the State of Maryland, Witnesseth, that in consideration of the sum of One Hundred and Ninety-four Dollars, I the said Charles E. Duvall (unmarried) do grant in fee simple unto Elisha Swomley of said County and State all the following described piece or parcel of land lying and being in said Frederick County, it being a part of the same land which was conveyed to the said Charles E. Duvall by Charles T. Duvall and Susan Duvall by deed bearing date on the 10th day of September, 1895, and duly recorded in Liber J.L.J. No. 11, folio 301, one of the Land Records of Frederick County, Beginning for the part of said land hereby intended to be conveyed at a large stone formerly planted and standing at the end of the fourth line of the deed aforesaid to the said Charles E. Duvall and running thence by and with the said fourth