

No. 10600 Equity.

James P. Harris, a witness of lawful age produced on the part of the Plaintiffs being filed duly sworn and examined viva voce, deposes and says as follows:-

My name is James P. Harris, my age is 41 years, I reside in Urbana District and within half a mile of the property mentioned in this case,

I know all the parties to this cause. I knew both Miss Rachel McElfresh and Mrs. Mary H. McElfresh in their lifetime.

Mrs. Mary H. McElfresh died without a Will in and about Nov. 1916, she left the following persons as her only heirs at law:-

John P. McElfresh, Louisa Conard, Rachel Smith, Fanny Anderson, Edmund W. McElfresh Jr, Dorsey McElfresh and Charles Philemon McElfresh all of whom are the children of the said Mary H. McElfresh, and Lucy Mary McElfresh and William Thomas McElfresh, who are infants under the age of 21 years, and are the children of Thomas S. McElfresh a deceased son of said Mary H. McElfresh, all of said children and grand children live in Frederick County, Md. Rachel McElfresh died in the year 1918 leaving a Will of which Exhibit No. 3 now shows me is a certified copy. She was a sister of the aforementioned Mary H. McElfresh, mentioned in the Will, who is dead, and her husband Edmund W. McElfresh, mentioned therein is also dead. The Rachel Smith, the niece, and nephew Edmund W. McElfresh and Charles P. McElfresh mentioned in the Will are all adults and the same parties mentioned above or children of Mary H. McElfresh.

I know well the real estate mentioned in this case and described in Exhibit No. 2 now shown me, whereby the said Rachel McElfresh and Mary H. McElfresh became the owner of said land as tenants in common; the interest of the said Rachel, being now owned in remainder by the said Niece and Nephew mentioned in her Will, and the interest of the said Mary H. McElfresh being now owned by her above named heirs at law.

The whole 60 A. 2 R. & 27 sq. ps. mentioned in said Deed is now owned by all of the said parties according to their interests as tenants in common,

This land is part of the same land mentioned and described in the copy of the deed now shown me and marked Exhibit No. 1.

This land described in Exhibit No. 2, in my judgment cannot be divided among the parties interested therein without great loss and injury thereto, the parties are too numerous and there is but one set of buildings on the land. The building consist of a log water boarded dwelling with a frame addition a Barn and out buildings in fair repair:-

I believe it would be to the interest and advantage of all the parties to this cause, infants as well as adults, for the property to be sold and the proceeds divided among them according to their respective interests.

The property in my opinion is worth about \$35.00 per acre.

To the Gen. Intr. by the Examiner.

Ans.- Nothing further that I know of

James P. Harris

John P. McElfresh, a witness of lawful age produced on the part of the Plaintiffs being first duly sworn and examined viva voce deposes and says as follows:-

My name is John P. McElfresh; my age is 60 years, I live in Frederick County, about half a mile from the property mentioned in this proceedings. I know all the parties to this cause and am one of the children of the Mary H. McElfresh, mentioned in these proceedings

I have heard the testimony of James P. Harris the proceeding witness in this cause as to the names, ages, residence and relationship of the parties to this cause and as to the time of death of my mother Mary H. McElfresh and my aunt Rachel McElfresh and the facts