

husband a tract or parcel thereof containing 108 perches of land, described in Exhibit "B".

3d - Mary E. Leopold also conveyed a part of the original tract to John W. Leopold, containing 107½ perches, as is evidenced by Exhibit "C" filed in this cause.

After the above recited conveyances from the original tract as shown by Exhibits "A", "B" and "C" it leaves a balance to be sold of about one-half acre of land, situate in Knoxville, Maryland, and is improved by a dwelling house and other outbuildings and is worth about \$800.00.

That at the time of the death of the said Mary E. Leopold, she left surviving her the following heirs at law and next of kin, who by her will, Exhibit "No. 1" were entitled to respective interests therein, according to the provisions therein contained, the following children and grandchildren as said will provides:

- 1 - A son, John W. Leopold (unmarried).
- 2 - A daughter, Mary Runkles and Morgan P. Runkles, her husband, the present witness.
- 3 - A son, James E. Leopold and Daisy Leopold, his wife.
- 4 - A daughter, Ellen E. Cooper (widow).
- 5 - A son, Joseph D. Leopold and Bettie Leopold, his wife.

They are all adults and residents of Frederick County, Maryland.

6 - She had another son, George L. Leopold, who pre-deceased his mother Mary E. Leopold, and whose wife is also dead, but they left the following children: George L. Leopold, Jr., (unmarried) an adult, and who resides in Pennsylvania, but I don't know his residence; and also a daughter Marie B. Cornelius and Grover Cornelius, her husband, both of whom are residents of Frederick County, Maryland, who have filed their Answers in this cause.

7.- Mary E. Leopold had a daughter who pre-deceased her, named Emma J. Ayers, who left a husband Ernie Ayers, an adult, who resides in Brunswick, Maryland, and the following children, viz: Harry D. Ayers, an adult, whose whereabouts is unknown, but is a non-resident of the State of Maryland, but whose wife's name is Belva Ayers, an adult, residing in Jefferson, Maryland; also a son John L. Ayers, (unmarried) 18 years of age, and another son Ernie L. Ayers, an infant, aged 14 years, who reside with their father Ernie Ayers in Brunswick, Maryland, and a summons has been served upon their said father and a copy left with him.

An order of publication has been published against the non-resident defendant, as I see from the printer's certificate filed in this cause.

The real estate mentioned and described in these proceedings is not susceptible of partition or division among the parties to this cause (because it only consists of a house and lot) without loss and injury to their respective interests therein, and it would be to the advantage of all the parties interested therein that the same may be sold by a trustee of the Court of Equity and their interests therein be divided among them as the law provides. It would especially be to the best interest of the infants, because the property is yielding no income to any one.

To the General Interrogatory:

Nothing more.

Morgan P. Runkles

David R. Lewis, a witness of lawful age, produced on the part of the Plaintiffs, being duly first sworn by me, deposes and says:

My name is David R. Lewis, I am 46 years of age and reside at Knoxville, Frederick County, Maryland, where I have resided for 11 years last past.