

I look at deed marked Exhibit L from Benjamin Shuff to James O. Harne, which describes 35 3/4 acres of land, more or less. This property adjoins the 18 acres conveyed by John Kelbaugh to my father, and which 18 acres is known as Markley's field.

I examine deed of William Toms and wife to my father conveying 23 11/160 acres of land, more or less, and recognize it as another property coming through the Bussard estate, and adjoins the home place and lies to the west of the home place, but does not adjoin it. I have examined deed marked Exhibit J and find that it describes a tract containing 36 1/2 acres of land, more or less, and which was conveyed unto my father by Henry Show, and adjoins the home place, and has been partly cleared and a portion of which is now tillable land. It lies southeast of the home place.

I have examined deed marked Exhibit H, from Mary DeLauter and James H. DeLauter, to my father, and find that it describes a tract containing 44 5/8 acres of land, which adjoins the home place, and was owned by my father.

All of the real estate owned by my father with the exception of the tracts described in Exhibits 2 and 3 were conveyed by him to my mother shortly before his death, and I examined Exhibits A, B, C, D, E, F, G, and find that they are deeds conveying this property to my mother.

I also examine Exhibit No. 1 which I recognize as the will of my father dated March 7, 1906.

In the deed marked Exhibit D from my father to my mother, I note the description of a parcel of land containing 3 acres. This land was once known as the Eckard saw mill land and was conveyed to my father by W. H. C. Russman and wife, by deed dated April 13, 1894, and recorded in Liber J.L.J. No. 5, Folio 718, one of the Land Records of Frederick County, together with some other land, and although my father sold the other land, he continued in possession of the 3 acres, and conveyed it to my mother by this deed.

My father purchased about 125 acres of land from Thaddeus Bussard and Emory L. Coblentz, Trustees of Gideon Bussard on July 5, 1902, and in 1903 he sold this property at public sale, by dividing it into ten lots. In the sale on account of confusion in bidding Lot No. 10 was not sold, and he owned this lot when he died.

I do not believe that this real estate is susceptible of division among the parties entitled thereto. The fact is, this would be an absolute impossibility. I believe it would be for the benefit of all parties concerned, and especially for the infant defendants, that the properties be sold and the proceeds derived therefrom be distributed to those entitled thereto under the direction and supervision of the Court.

The property is divided into all kinds. There is some clear land, much timberland, buildings on the home place, and it is rather hard to make an estimate of the value of all of it, but I would consider the sum of \$5,000.00 a fair value.

TO THE GENERAL INTERROGATORY.

Answer. Nothing further.

J. Grover Harne

JAMES H. DELAUTER, a witness of lawful age, deposes and says, as follows:

My name is James H. DeLauter, and I live at Highland, in Catocin District, in Frederick County, Maryland. I am 77 years of age, and up to 6 years ago I lived in the vicinity of the Harne properties near Wolfsville. I personally knew both Mr. and Mrs. James O. Harne, and while I do not remember the exact dates of their death, I believe Mr. Harne died about 1907, and Mrs. Harne, died about a year ago. I knew the family and the children of Mr. and Mrs. Harne very well. The children are: William D. L., Roy, Alonza, Charles, Cyrus, Cora May, Grover, Albert, Maggie B., Oliver Glenn, Creola and Gideon. These children are all living at the present time with the exception of Gideon, who died about 2 years ago, and left several children, some of whom are small. I am not acquainted with these children