

Honorable Court, duly appointed, qualified and sworn, met the parties to said cause at the office of D. Princeton Buckey, Esq., Pythian Castle, Court Street, Frederick City, Maryland, on Friday, March 16, 1934, at the hour of 10 o'clock a. m., and then and there proceeded to take the following depositions, that is to say:

Present: D. Princeton Buckey, Esq.,  
Solicitor for Plaintiff.

Plaintiff and his witnesses.

No appearance for Defendants.

Exhibits No. 1, 2 and 3 to the Bill are filed with the Examiner as evidence and are so marked.

Prentiss W. VanSant, a witness of lawful age, produced on the part of the Plaintiff, being first duly sworn by the Examiner, deposes and says:

My name is Prentiss W. VanSant, I am 34 years of age and I filed the Bill of Complaint in this cause on behalf of my son Prentiss M. VanSant for the sale of the real estate mentioned in this proceeding, in which he is entitled to a one-third interest. I married his mother, Margie Naill, and this child was born of our marriage and is now 14 years of age and resides with H. Augustus Brashear, in Frederick County, Maryland. My wife was the daughter of John E. Naill, who died on the 22d day of February, 1933, leaving no Will, and his wife predeceased him 11 years in this coming May. My wife Margie Naill died May 27, 1920, and she left no last Will and Testament.

The said John E. Naill left surviving him two children, John C. Naill, whose wife's name is Lillian Naill, and a daughter Elizabeth Ann Naill, who is unmarried, all of whom are adults and reside in Carroll County, Maryland, and all of whom have been summoned in this cause.

At the time of the death of said John E. Naill, he was seized and possessed of two farms situated in Frederick County and a mansion house and lot situated in Taylorsville, Carroll County, Maryland.

The first farm- I look at Exhibit "No. 1" filed in this cause- contains  $157\frac{1}{2}$  acres of land, more or less, and is situated in Linganore District, and the deed, so far as I can see, properly describes this farm. It is improved by a farm house, barn, wagon shed, barracks, and other outbuildings, and is now tenanted by Cephas Garber and has been in the control of the son, John C. Naill, ever since the death of his father on February 22, 1933.

The second farm is located in Woodville District and contains 132 acres and 72 square perches of land. This farm is improved by a dwelling house, barn, wagon shed, and other outbuildings and last year was tenanted by Herman Moxley, who is still on said farm and will be there until April 1, 1934. I understand they have no tenant for this farm for the coming year.

The property in Taylorsville, Carroll County, consists of a large mansion house, stable, garage and hen house. I look at Exhibit "No. 3" and this deed properly describes this property. It is now vacant and has been since the death of Mr. Naill.

These properties are not susceptible of partition or division, without material loss and injury to the parties entitled to the interests therein, and it cannot be divided in kind, and in order to make proper division of the interests among the three heirs at law entitled to the proceeds thereof it is necessary that said real estate be sold and the proceeds thereof are divided among the parties according to their several interests, and it would be especially to the benefit and advantage of my infant son, who is entitled to a one-third interest therein, Prentiss M. VanSant, to have these three pieces of real estate sold and his share invested in some productive fund for his benefit.

The farm mentioned in Exhibit "No. 1" is worth from \$3500.00 to \$4000.00. The farm mentioned and described in Exhibit "No. " is worth about \$1500.00 to \$2000.00, and the mansion house described in Exhibit "No. 3" is worth about \$1500.00. The house in Taylorsville is a frame building and contains 9 rooms, cellar and attic, and no modern improvements.