

and about Frederick City, the land and building thereon of the property in question is now worth?

A. \$2750.00

Q. State whether or not in your opinion this real estate can be divided without loss or injury to the parties interested therein?

A. It cannot be divided without loss or injury to the parties interested therein, and I believe it will have to be sold, because it cannot be divided advantageously to anyone of the parties interested therein, and especially by reason of the building thereon, as there is no way of dividing the building among the parties interested and the value of the building with any necessary lot of ground appurtenant thereto would in my opinion be far in excess of the value of any one of the numerous persons interested in said real estate and, therefore, I do not see how it is possible that the property can be <sup>equitable</sup> divided, or subdivided among the different parties interested therein.

No. cross-examination.

To the general interrogatory: I cannot think of anything else at this time.

Grayson H. Mercer.

John L. Dutrow, a witness of lawful age, produced on behalf of the Plaintiffs, deposes and says:

Questions by Jacob Rohrback, Esq/

Q. State your name, age, residence and occupation.

A. John L. Dutrow, I am in my 70th year, residence Frederick City, Maryland, occupation auctioneer.

Q. Did you know James K. P. Wolfe, during his lifetime?

A. Yes, Sir, I knew him for quite a long time.

Q. Did he own any real estate at or near Frederick, and if so, what real estate?

A. Yes, he owned a parcel of land that was originally 18 acres, 3 roods and 35 ~~xxxxxx~~ perches more or less, that he purchased from John William Birely and John Edward Gittinger, Executors of George Gittinger, situated in Frederick District and part of it in Frederick City, on the West side of the Opossumtown pike, between Twelfth Street and Thirteenth Street, and I now look at the paper writing marked "Exhibit A" in this case, being a certified copy of the deed from John William Birely and John Edward Gittinger, Executors of George Gittinger, to James K. P. Wolfe, dated April 3rd, in the year 1888, and recorded in Liber W. I. P. No. 6, at folios 118, etc., and recognized it to be a certified copy of the land of which James K. P. Wolfe, owned during his life time.

Q. Do you know if he sold any of the land mentioned in "Exhibit A" during his life time?

A. Yes, he sold a part of the land mentioned in "Exhibit A", and containing 3 acres and 25 square perches, to his son, Thomas H. Wolfe, and I look at the paper writing now shown me marked "Exhibit B", and it is a certified copy of the deed from James K. P. Wolfe, to Thomas H. Wolfe, dated January 4th, in the year 1924, and recorded in Liber NO. 346, at folio 367, one of the Land Records of Frederick County, and it is a certified copy of the deed from said 3 acres and 25 square perches, conveyed by James K. P. Wolfe, to his son, Thomas H. Wolfe, and it is on the southern part of the whole tract named in "Exhibit A".

Q. Do you know if James K. P. Wolfe left a last will and Testament?

A. To the best of my knowledge and belief he did leave a last will and Testament, and I look at the paper writing marked "Exhibit C", herewith shown me, and it is a certified copy of the last <sup>K.</sup> Will and Testament of James Polk Wolfe, dated February 7th, 1923.

(Exhibit C offered in evidence and filed with the Examiner)

and I also look at the paper writing herewith shown me marked "Exhibit D", and it is the written election filed in the Orphans Court for Frederick County, Maryland, of the children of the said James K. P. Wolfe, electing to take said farm real estate in stead of having same sold. (Exhibit