to Bernard Lewis, and is a small farm and some timber land, which is described in Exhibit No. 3, which I now look at and which is fully describes the said property, and which property was deeded by William A. Moser, a bachelor, unto Alfred Lewis on the 31st day of October, in the year 1902, and contains fifty acres of land, more or less, said deed being recorded in Liber D. H. H. No. 15, folio 331, one of the Land Records for Frederick County.

And the said Alfred Lewis also at the time of his death was seized and possessed of a tract of land described in Exhibit No. 4, which I now look at, and said tract was deeded to the said Alfred Lewis on the first day of January, in the year 1901, by John W. Brown, Said tract lies contiguous to the tract described in Exhibit No. 3 and contains twelve and one-fourth acres of land, more or less. Said Exhibit, which I now look at, fully describes said tract of land, and the aforesaid deed from John Brown to Alfred Lewis is recorded in Liber D. H. H. No. 7, folio 561, one of the Land Records of Frederick County.

And the said Alfred Lewis also at the time of his death was seized and possessed of a small mountain tract which lies contiguous to the tract of land willed by the said Bernard Lewis, and is small timber lot, and was deeded to the said Alfred Lewis, by J. Fred Nelson, and John C. Motter, Trustees, on the 9th day of May, 1883. Said deed has never been recorded and I at this time am unable to tell where it is unless it is in the possession of the defendant. Said tract contains 5 acres, 3 roods and 4 square perches of land, more or less. Said lot is situated in Hauvers District, on the road leading from Foxville to Catoctin Furnace. I am looking now at Exhibit No. 2, and that is a copy of the deed made by my sister, Hattie M. Miller, and George Miller, her husband, of Mt. Morris, Illinois, to me and my brother, the defendant, of all their right, title and interest and estate in and to all the real estate and personal property of which my father, the said Alfred Lewis, died seized and possessed. Said deed was recorded among the Land records of Frederick County on the 3rd day of February, 1931. I do not know the volume and folio.

These, as heretofore described by me, are descriptions of all the real estate of which Alfred Lewis died seized and possessed, together with a description of the tract of land willed to us as remaindermen by Bernard Lewis. This land in the aggregate is worth about $6,500.00 although these tracts of land adjoin each other, and consist of an old field, a mountain lot, two small farms, to each of which is attached considerable timber land, it would be impossible to divide all this land physically between the heirs who are entitled thereto, that is, myself, and the defendant, without great loss and injury , and therefore I say it will be necessary to have this land sold at public or private sale and the proceeds therefrom divided among those who are entitled thereto.

TO THE GEN. INT.; Nothing more.

John Lewis

RICHARD TOMS, a witness of law ful age, produced on the part of the plaintiff, being first duly sworn, deposes and says:

My name is Richard Toms. I reside near Foxville, Frederick County, Maryland, in Hauvers District. I am sixty-eight years of age, and I know all the real estate which has been described in this case by Exhibits 1, 2, 3, and 4, and I know all the parties connected with this case, and I know the property that was willed by Bernard Lewis to Alfred Lewis during his life, and after his death to the complainant here, and the defendant, Albert Lewis. I know that Alfred Lewis died about five years ago and I know that his wife, the mother of the plaintiff and defendant in this case, predeceased him by about five years. This land is in separate lots, as I am familiar, and adjoin each other, and one of them is a small timber lot situated on the road leading from Foxville to Catoctin Furnace, and contains about five acres. The other is a lot or an old meadow through which a creek runs that Alfred Lewis got from John Brown, and one is a small farm with considerable timber land, containing about fifty acres altogether, which Alfred Lewis