AMOS EDGAR GRAHAM, one of the Complainants, being first duly affirmed, deposes and testisfies as follows:

By Mr. Buckey:

Q State your name, age and residence and your relation to this suit.

A My name is Amos Edgar Graham; I am 64 years old and reside at Waynesboro, Pennsylvania, where I have lived for the past 23 years.

Q Do you known the parties to this suit?

A Yes, sir: myself, Amos Edgar Graham, and my wife's name is Edna M. Graham; Harry Norman Graham - his wife is dead - he lives in Frederick County, Maryland; Mary Elizabeth Royer - she is a widow, her husband being dead; Edna Bell Morrison and John Morrison, her husband; Maggie May Eyler and Herbert Eyler, her husband. Then I had a deceased brother, Charles Cleveland Graham, and he has been dead several years and left three children: Lola Graham Luckenbaugh, whose husband's name is William Luckenbaugh; and a son, Everett Graham, unmarried, both of whom have filed their Answers in this case and appear by Counsel; and one other son named Garey Graham, who is about 11 or 12 years old and resides in Carroll County, Maryland, with Howard Mackley, at Taneytown. These are all of and the only interests in this cause.

Q. Did you know Laura Barbara Graham in her lifetime, and is she living or dead?

A. Yes, she was my mother. She is now dead, having died on the 6th day of December, 1946, and left the above named children and grandchildren as her heirs-at-law.

Q Did she die seized of any real estate, and if yea where is it located?

A Yes, she died seized and possessed of several lots and parcels of land situate in the village of Johnsville in Frederick County, Maryland, and consisting of two lots that were conveyed to my father, Amos Graham, and my mother, Laura Barbara Graham, as tenant by the entirety, my father having died about eight years ago, whereby this real estate became the sole property of my mother as tenant by the entirety, and where she made her home from the time offather's death up until she died last December. I look at Exhibit No. 1 filed with this bill of complaint and it correctly describes this property.

These lots as they now stand are improved by a 7-room frame house, together with outbuildings, consisting of a chicken house, stable, smoke-house, hog peg, and a good well of water at the house.

Q About what is this property worth?

A For my part I think it would bring around $2,000.

Q Can this property be divided among the six interests, that is, the five children and the grandchildren, in equal shares?

A No, it cannot, because it consists of these two lots containing about two acres each adjoining each other, and are improved as I have stated with this 7-room house and all necessary outbuildings, and it couldn't possibly be divided among them in equal shares without loss and injury to their respective interests and especially to the interests of the Infant, Garey Graham, and it is in nowise susceptible of partition or division without material loss to all of the parties, and the only way it could be divided would be to sell it under a decree of the Circuit Court and to divide the proceeds among the parties according to their respective interests.

Q How about the infant?

A It would be especially to the infant's interest to have the same sold and division made, because there is no one to look after his interest and, as I have stated, my mother made this her home up until her death last December and it is at present occupied by one of the plaintiffs who took care of my mother until her death and at this time is not paying any rent.

Q Did your mother leave any will?