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fee which is paid out of this over-payment is not paid. I have no objection to this being paid out of the proceeds of this sale and feel that it should be. I feel that Mr. Edward J. Smith, the attorney in that case, should be paid his twenty-five dollar fee."

To the general interrogatory: "Nothing further."

Signature of witness waived.

Harry Ceasar, a witness of lawful age produced on the part of the complainant, having been first duly sworn, deposes and says:

"My name is Harry Ceasar, and I am one of the defendants in this case. I am fifty-four years of age. I reside at Bartonsville, Maryland, and with the exception of the few months that I resided in Philadelphia, I have lived in Bartonsville all my life. Bartonsville is in Frederick County, Maryland. I am now working for the M. J. Grove Lime Company. I live only about one-eighth of a mile from the property that my sister, Bessie Ceasar, owned. It is all hard road to the property. I knew Bessie L. Ceasar, she being my sister, and I am very familiar with the property because I see it almost every day. I now look at Exhibit No. 1 to the Amended Bill of Complaint which is a deed to the property from Jesse E. Toberry and Della M. Toberry, his wife, to my sister, Bessie Ceasar. I think the property is in New Market Election District and this property came to Bessie from the Toberrys on the twenty-eighth day of March, in the year Nineteen Hundred and Twenty-eight. This deed does not show the acreage of the land but I would say that it contains about one and one-half acres of land. On this property there is a two story frame dwelling, a garage, a meat house and hog pen and a good bored well of water. There is also another well of water on this property. There is a grape arbor and some apple and cherry trees on this property and