No. 5857 Equity

and it would be to the advantage of all to have it sold and the proceeds divided.

To the Gen. Int. by the Exam.

Ans. That is all I know at present

John J. Murdoch.

Jane R. Millbury a witness of lawful age produced on the part of the plaintiff being duly sworn and Examined Viva Voce deposes and says as follows:—

My name is Jane R. Millbury: 38 years of age and I live in Frederick City. I know all the parties to this suit and am one of the Defendants. I knew Richard Rigely, late of Frederick County. He was my father. He is dead. He died in Frederick County about 8 years ago. He left no will.

He left the following Children:—

A son Frank Rigely whose wifes name is Mary

A son. John Rigely whose wifes name is Julia.

A son Richard D. Rigely.

A daughter Annie whose husbands name is Wm Davis

A daughter Arianna Hill who is now a widow

A daughter Jane R. Millbury whose husbands name is Chas Millbury

And the following Children by a deceased daughter. Mary Ellen viz. Thomas Jenkins, and Henry Brown and Margaret Brown

All of these persons are over 21 years of age except the last named.

John Rigely and his wife live in Pittsburg Penn. Richard D. Rigely and Thomas Jenkins went to Pennsylvania some years ago and we have not heard anything from them for so long that we do not know whether they are living or dead or if dead we do not know whether they left any heirs or not. They were both single when they went away and we never heard of them or either of them being married. my husband and I live in Frederick County and the Brown Children live in Baltimore, Maryland.

Richard Rigely, my father at the time of his death owned a home and lot in Frederick County about half a mile beyond Mt Pleasant which he got from David Tippen by deed. The property is worth a couple of hundred dollars or more. The real Estate can not be divided among the heirs without great loss and injury because it is too small. The only way would be to sell it and divide the money.

To the Gen. Int. by the Exam.

Ans. That is all

Jane R. Millbury.

whereupon there being no other witnesses to be examined and no further time being required for the production of evidence the said Examiner hereby Certifies that the foregoing are the original depositions in the Cause as the same were read over to the witnesses and signed by them respectively and I herewith return the same