

To 5th Inty. The Real estate is not susceptible of division among the parties It would be for the Interest, and advantage of all parties that it would be sold and the proceeds distributed, because it is now out of repair, want of expen diture in fitting up, which the rents are insufficient for, such repairing and the support of the parties is becoming now out of repair, in consequence of such want, and it is therefore deteriorating. Land is now high & may soon fall. Timber is necessarily cut from the woodland for fencing & so forth. rendering it less valuable, and it is therefore in the opinion of witness - for the interest of all the parties for it to be sold without delay.

To the 6th Inty. says he knows nothing.

George Dertybaugh, a witness of lawful age, also produced, & sworn on part of Complainant deposed, and faith. To the 1st Inty. Knows all parties, and has known them since their birth.

To 2^d Inty. Knew Ezra & Mary Smith - both dead. Dont know exactly when they died, nor whether Mary Smith left a will.

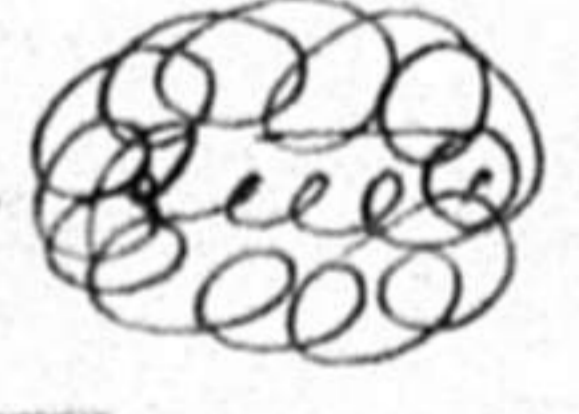
To 3^d Inty. Thinks Mary Smith only left four children. Dont know names except William & Kennedo, none are married since M. Smiths death. Thinks William is the only one over twenty one.

To the 4th Int. Mary Smith left certain Real Estate - That mentioned in John Myers will, as devised to her, by the name of Mary Myers she afterwards married Ezra Smith except No 1. describes the Land as devised to his niece Marys eldest daughter of Isaac Myers.

To 5th Inty. It is not susceptible of division, and will be for the Interest & advantage of all parties - infants as well as adults, that it be sold, and the proceeds distributed, because the property is becoming injured for want of repairs. It is out of order, and deteriorating on that account in value. The money would be better if put at Interest. Than invested in that way

To 6th He knows nothing.

There being no further witnesses to be examined & neither party desiring further time - I then closed said Commission, and herewith return the same under my hand & seal. this 26th day of April. 1854.

Drubley. J. Johnson. 

John J. Smith } No. 2665. Equity. In Circuit Court for Frederick County.
 " } Interrogatories filed with Drubley. J. Johnson Esq. Com. to
 " } take testimony in the above case.

Smith et al. } Int 1st Do you know the parties, Complainant, and -
 defendants in the above case, if yea, how long have you known them?
 Int. 2^d Did you know Ezra Smith & Mary Smith his wife mentioned in
 the Bill of Complaint in said case, are they living, or dead. If dead when
 did they die, and did said Mary Smith die intestate, or not.
 Int 3^d Did said Mary Smith, leave any children? if yea name them all, and
 state whether any of them have died since her death. - whether, or not, any
 of them are married, which of them are over & which under the age of -
 twenty one years, and where they reside.
 Inty 4th State whether, or not said Mary Smith - left any real Estate, &
 if yea, look at exhibit No 1. and state whether, or not, the Real Estate -
 therein mentioned as devised by the Testator John Myers to his niece
 Mary, the eldest daughter of his brother Isaac, is the Real Estate of which
 said Mary Smith died seized, and whether, or not Mary, the said niece of
 the Testator in said Exhibit is the same who was afterwards the said