

is an infant under twenty one years of age, and resides in Frederick County, Frank
Horsington, who is an infant under twenty one years of age, and resides in Frederick
County.

To 5th Sub. ~ That he is acquainted with the real estate whereof Upton Horsington
died seized and possessed. ~ That he looks at Exhibits Nos. 1 & 2 and that the
said real estate of said Upton Horsington, is described in said Exhibits 1 & 2.
That said real estate can not be divided among all those interested, without loss
and injury, and that it would be to the interest and advantage of all the heirs
of said Upton Horsington, that the said real estate, be sold, and the proceeds
divided among those interested - The improvements would all be on one
tract, and the tract of land is too small to be divided into so many small lots.

Le Keeper Thomas, a witness of lawful age, produced on the part of
the complainants, being duly sworn and examined to Interrogatories filed with the
Commissioners by the complainants, and herewith returned deposes and says. ~

To 1st Sub. ~ That he is acquainted with the parties to this suit, and has known them
for a number of years. ~

To 2nd Sub. ~ That he was acquainted with Upton Horsington formerly a resident
of Frederick County, that he is dead, that he died in Frederick County, on or about the
14th of October, in the year Eighteen Hundred and Sixty nine. ~

To 3rd Sub. ~ That the said Upton Horsington was married at the time of his death, that
his widow is Catherine Horsington who resides in Frederick County. ~

To 4th Sub. ~ That the said Upton Horsington left children, Lloyd Anna, who
is over twenty one years of age, married to Nicholas W. Dorsey, who resides in Frederick
County, Elizabeth Horsington, who is over twenty years of age, a lunatic, and resides
in Frederick County, Joshua Horsington who is over twenty one years of age,
married to Henrietta Horsington, who reside in Frederick County, Lavinia Horsington
who is unmarried, over twenty one years of age and resides in Frederick County,
James Horsington who is an infant under twenty one years of age, and resides in
Frederick County, Frank Horsington who is an infant under twenty one years of
age, and resides in Frederick County. ~

To 5th Sub. ~ That he is acquainted with the real estate of which Upton Horsington
died seized and possessed, That Exhibits Nos. 1 and 2 which he has looked at, do
describe said lands. ~ That the said lands cannot be divided among all the
parties interested, without loss and injury, and that it would be greatly to
the advantage of all the heirs of the said Upton Horsington, that the said lands
should be sold and the proceeds divided, as it would give the heirs who are
of age, their share in money, which would be capital to operate upon, which
would be more profitable to them than the small lot would be which they
would get by a division. ~

There being no other witnesses present to be examined, and neither
party desiring further time for the production of their evidences the Commis-
sioners closed the Commission, and herewith returned the same under their
hands and seals this thirty first day of May A.D. 1870 ~

Levies of Commission
Commissioners fees \$12.00
Sheriff's " 1.20
J. J. Horsington " .75
Le Keeper Thomas " .75
\$14.70

Francis Brungle
J. E. R. Wood
Francis Brungle
J. E. R. Wood

Rec'd
Rec'd
Rec'd
Rec'd

Deoree Katz
Return of Com

Recommend
for Trust