

Mary Virginia Stames who is now a widow. He left a son Clayton S. Smith. He left a daughter Clara C. Smith; a son Granville M. Smith, and a son Franklin C. Smith. They all reside in Frederick County, and are all adults except Clara C. Granville M. and Franklin C. Smith, who are infants under twenty years of age.

6th Int. Did said John Smith die seized and possessed of any real estate, and if yes, describe the same, give its value, and state where the same is situated. State fully all your knowledge with reference thereto?

To 6th. He did. Situated near Frederick; One Farm containing One hundred and seventeen acres, lying one mile North East of Sheepsick, improved; and a Farm lying West of Frederick about two and a half miles, dont know exactly the number of acres, about One Hundred and sixty acres I think. This farm is also improved. He also left a Mountain Lot, containing in and about forty eight acres, about four miles West of Frederick, on which wood lot is a house and improvements. It is altogether worth about \$25,000.

7th Int. Look at the papers now shown you marked Exhibits 1 & 2. and state whether or not the real estate therein devised and conveyed is that of which said John Smith died seized and possessed. State fully all your knowledge with reference thereto, and whether or not Henry Smith and Samuel Smith mentioned in said Exhibit No. 1, are living or dead? and if dead, did they have any issue?

To 7th. I look at the papers now shown me marked Exhibits Nos. 1 & 2. The said Exhibits do describe the real estate of which said John Smith died seized and possessed. The said Exhibits do describe the Henry Smith and Samuel Smith named in Exhibit No. 1, as dead to the best of my knowledge and belief and died without children. John Smith has been in possession of that portion of said real estate described in Exhibit No. 1, for the last thirty five years to my knowledge.

8th Int. State whether or not said real estate will admit of division among said heirs at law of said John Smith without injury or loss, and whether or not it would be to the interest and advantage of said heirs at law, infants as well as adults, for said real estate to be sold and the proceeds divided among them? State fully all you know with reference thereto and give your reasons fully for your opinion.

To 8th. I dont think the said real estate would admit of advantageous division, and I think it would be to the interest and advantage of all the heirs infants as well as adults to sell the property and divide the proceeds. The reasons are that in the case of improved real estate, the improvements are so likely to depreciate and go down, when there is no one specially to look after them, and one of the farms are now in very good condition, the other I cant speak of. It would not be susceptible of division because