

No. 4416 Equity

5th Christian F. Molyard also left a widow surviving him. Her name is Susan Molyard. She is about forty years of age and resides in Frederick County State of Maryland

6th The said real estate is not susceptible of a advantageous division among the heirs because it is too small a tract and because it does not lie so as to divide without great injury in the value of it. And it would be to the advantage of all the said heirs to sell the property and divide the proceeds, because the property, if rented, being now in bad condition, would still further depreciate. And I understand the heirs all want it sold.

7th - Sworn as to this witness.

Emanuel Fogle's
Answers

Emanuel Fogle, a witness of lawful age produced on the part of the Complainants, being duly sworn, and examined to Interrogatories filed with the Commissioner by the Complainants and herewith returned deposes and says

1st - My name is Emanuel Fogle. I am fifty one years of age and reside in Frederick County Maryland.

2d I was acquainted with Christian F. Molyard in his life time. He is dead. He died in October A. D. 1877 in Frederick County State of Maryland

3d Christian F. Molyard at the time of his death left children surviving him as follows. A son Charles F. Molyard, who is married but the name of whose wife is unknown to deponent. He lives in the State of Ohio and is over twenty one years of age. He left a daughter Eliza J. married and the name of whose husband is Peckham Barber. They live in the State of Ohio and are over twenty one years of age. He left a son John C. Molyard, a son Addison Molyard and a son William Molyard. The last three are infants under twenty one years of age and reside in Frederick County State of Maryland.

4th Christian F. Molyard left real estate at the time of his death. It is a tract of land, containing about 44 acres of land situated in Johnsonville district Frederick County State of Maryland and is worth about twelve hundred dollars.

5th Christian F. Molyard at the time of his death left a widow whose name is Susan Molyard. She is about forty years old and resides in Frederick County State of Maryland. She is described in Exhibit No. 1 Showings.

6th The real estate of Christian F. Molyard is not susceptible of division among his children and widow without loss and injury, and it would be to the interest and advantage of all the heirs to sell the said real estate and divide the proceeds among them. My reasons are that it is too small a tract to divide and it does not lie so as to divide well and if it is not sold but kept and rented out it will go out of repair and depreciate in value.

There being no other witnesses present to be examined and the

General
Replication

Petition
Amend B.

Court's Order
to amend B.