# No. 4385 Equity

5th Int

Said property cannot be divided without loss or injury to the parties interested, in fact is incapable of division among the parties, as it consists only of a house and lot containing one and a quarter acre of land, which it is impossible to divide amongst the numerous parties interested.

6th Int

It would be for the benefit and advantage of all parties interested, adults as well as infants that said property should be sold, and the proceeds thereof distributed amongst the parties entitled, for the reason that there are no means of keeping the house in repair and it wants repair now, and is daily depreciating in value, and it can't be divided amongst the numerous parties interested.

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Answers to Interrogatories

Samuel A Eury, a witness of lawful age, produced upon 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

to the

1st Int.

My name is Samuel A. Eury, aged about thirty eight years I reside in Linganore District, Frederick County, Md.

2d Int.

I know all the parties except the non-resident Defendants

3d Int.

I knew Elizabeth Poston. She is dead. She died in Frederick County Maryland, in February, 1877. She died intestate she was a widow at the time of her death & left no child surviving her She was possessed of property. She was possessed of a house & lot about a mile from Unionville, Frederick County, Maryland.

4th Int.

It is the same.

5th Int.

Not for it not susceptible of division among the parties entitled without loss & injury, as it is too small for division, consisting of only a house & a lot of one and a quarter acre of land and cannot be divided

6th Int.

It would be for the benefit & advantage of all the parties interested, adults as well as infants, that said property should be sold & the proceeds thereof distributed amongst the parties entitled, as the property cannot be divided, is going to rack & out of repair, & daily depreciating, and there is no means to repair it & put & keep it in Order.

Whereupon, there being no other witnesses present to be examined, and no further time being required for the production of Evidence the Commissioner closed the saw Commission and herewith returns the same under his hand and seal on this 28th day of May A. D. 1879.

William B Nelson (Seal)
Commissioner

Costs of Commission

Complainants Costs

| | | | |
|---|---|---|---|
| William B Nelson | Comm's fees | | $10.00 |
| William Richardson | Shff | do | 1.60 |
| William H Brightwell | Sttr & mileage | | 2.25 |
| Susannah Brightwell | do | do | 2.25 |
| Peter Sugenbeel | do | do | 2.25 |
| Samuel A Eury | do | do | 2.25 |

William B. Nelson (Seal)
Commissioner

Filed May 28, 1879