No 4453 Equity

adults residing in Washington County, Maryland, Lydia, wife of Cyrus Routsahn, Caroline wife of Andrew C Eldridge, Elizabeth, wife of Dawson H Hook, adult & Mary A. Ault, wife of Lewis Ault, adult, all residing in Frederick County, Md.

7th Int

Said real estate is not susceptible of advantageous division among the parties in interest & could not be divided without great loss and injury to the parties concerned, and it would be for the benefit and advantage of all the parties interested, infants as well as adults, that said real estate should be sold and the proceeds thereof distributed amongst the parties entitled, because the said real estate consists of only about thirty one acres of farming land, which is very poor, which if divided would not be susceptible of advantageous cultivation or sale.

Whereupon there being no other witnesses present to be examined, and further time being required for the production of evidences, the said Commission was adjourned to the 4th day of October A D. 1877 at which time and at the place aforesaid, I then & there, in the presence of the Solicitor for the Complainants, proceeded to take the following testimony, to wit

Daniel V Harp 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 & says, to the

1st Int

My name is Daniel V. Harp, aged forty five years, and I reside in Frederick County, Md.

2d Int

I know Anthony McBride and Catharine his wife, Daniel Toms and wife, Madelina Lustbaugh, Noah Best, and Susan Best his wife Mary Brown, Samuel Toms Sr, David Toms, Samuel Toms Jr, William Toms; Samuel Smith & Barbara Smith his wife, David Lewis & Hannah his wife, Ellen Grim, wife of John S. Grim, Abram Myers & Sarah Ann, his wife, Eli Freshour and Amanda E, his wife, Ezra Toms & wife John Gilbert & Susan his wife, Susan Toms; ——— Lewis Hilterbridle and Elizabeth his wife; George Toms & Polly his wife, Daniel Toms, Samuel Lewis & Catharine his wife; Delilah Brown; George H. Miller and Elizabeth, his wife, Lydia Rush; David Harp, ——— Stover & Lydia his wife, ——— Burtner & Sarah his wife; Jacob Harp; Hiram L. Harp, Alfred E. Harp, Daniel C. Harp, Philip Crist, & Caroline V his wife, Margaret E Harp, & ——— Miller & Susan his wife, and have known them sometime.

3d Int.

I didnt know him during his lifetime, but I know that he is dead, & that he died in Frederick County, Maryland in December, 1841. I dont know of my own knowledge whether he died testate or intestate, but I hear from the family that he died intestate.

4th Int.

He died possessed of real estate situate in Frederick County, Maryland, consisting of about thirty one acres of Land which is very poor, and worth about Three hundred Dollars ($300). I look at Exhibit No. 1, now here shown me: The property therein described is that of which