

No. 4503 Equity

Land more or less conveyed by the said Charles Smith and Catharine Smith his wife to Agnes Waltz the mother of the above named infants out of said tract. This defendant further answering says that the said Charles Smith and Catharine, his wife, conveyed said real estate to the said Agnes Waltz on the 4th day of December A. D. 1877, by deed duly recorded among the Land Records of Frederick County, a duly certified copy of which is herewith filed, marked Exhibit No 1 to this answer and which it is prayed may be considered as a part of this answer and that because of said conveyance the tract described in Complainant's Exhibit No 1, contains that amount less, and that by the death of the said Agnes Waltz the land mentioned in Exhibit No 1 to this answer has vested in this defendant and the infants above named

This defendant further answering says that he admits that said real estate, cannot be divided among those entitled thereto without great loss and that it would be to the interest of all to have the same sold under a decree of this Honorable Court, and the proceeds divided among those interested.

And as in duty bound will ever pray,

This July 23. 1879

John C. Motter, Sol. for Defendant

Charles Smith
Agnes Waltz

Witness

No. 4503 Equity

At the request of Agnes Waltz the following deed was recorded July 21, 1879

This Deed made this fourth day of December in the year Eighteen Hundred and seventy seven by me Charles Smith and Catharine Smith his wife of Frederick County, State of Maryland. Witnesseth, that for and in consideration of the sum of Forty three dollars and seventy eight cents, unto the said Charles Smith and Catharine Smith his wife do grant unto Agnes Waltz wife of George F. Waltz all the following described tract or parcel of land lying in Frederick County aforesaid. It being part of a tract of Land called "Whiskey Spring", beginning for the same at a stone planted at the end of the second line of the whole tract called "Whiskey Spring", it being the beginning stone of Charles Smith's whole tract, and running thence with the 3rd line of the whole tract, called "Whiskey Spring" North Eight degrees East fifteen and two tenths perches to a stone planted, then South fifty four and one half degrees East fourteen and two tenths perches to a stone in the margin of the Public Road, then along the Public Road on the West margin South fifty two and one half degrees West thirteen and eight tenths perches to a stone the end of the 3d line of a tract of Land, called "Woods Chance", then North fifty nine degrees West three and one quarter perches to the beginning. Containing Two Acres and 36 3/4 Sq. perches of Land, more or less. To have and to hold the land premises with all the rights and privileges thereto, in fee simple. And we the said Charles Smith and Catharine Smith his wife do covenant that we will warrant and forever defend the property hereby conveyed against the lawful claims of all persons.

Witness our hands and seals,

Test. Ephraim Stover

Charles Smith
Catharine Smith



State of Maryland, Frederick County, to wit
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Exhibit No. 1
To answer