

No 4503 Equity

- 4. - Had or did not said Charles Smith leave children or descendants surviving him? If yes, state their names, ages, and present places of residence, and conditions in life.
- 5. - Was or not said Charles Smith seized and possessed of real estate situate in Frederick County at the time of his death? If yes, describe it. Look at papers now shown you marked Exhibits Nos 1 and 1 to answer and state whether or not said papers contain an accurate description of said real estate.
- 6. - Is or is not said real estate susceptible of division among the parties entitled thereto without loss and injury to said parties? State fully the facts which lead you to the conclusion and opinion you entertain on this subject.
- 7. - Would or would it not be to the advantage and benefit of all ^{the} parties interested in said real estate, adult and infant; that the same should be sold and the proceeds divided among the parties interested in proportion to their respective rights? State fully all facts which lead you to the opinion you entertain on this subject and state the value of said Real Estate.

C. V. S. Long, Solicitor for Complainants.

Testimony of G.W. Etzler

George W. Etzler, a natural of lawful age, produced in from the part of the Complainants, being duly sworn and examined to Interrogatories filed with the Commissioner by the Complainants & herewith returned, deposes and says, to the

1st Int. - I know all of the parties to this suit and have known them all for some time.

2d Int. - I was He is dead He died in the latter part of July 1878, in Johnsville District Frederick County, Maryland

3d Int. - He left a widow named Catharine E. Smith, about seventy years of age, residing in Frederick County, Md.

4th Int. - He died he left a son William Henry Smith, whose wife name is Eliza, both adults, and residing in Frederick County, Maryland; a daughter Margaret Ann Smith, unmarried, adult, and residing in Frederick County, Maryland, a son George F. Smith, whose wife name is Margaret, adults, and residing in Frederick County, Md. A daughter Sarah G., wife of William Chipley, adults and residing in Frederick County, Md. A son Daniel H. Smith, whose wife name is Mary, adults, and residing in Frederick County, Md. A son Charles S. Smith, unmarried, adult residing in Frederick County, Maryland, a daughter Barbara Ann Smith, unmarried, adult and residing in Frederick County Maryland, & a daughter Mary E. Seckler, a widow, adult and residing in Howard County, Maryland. Said Charles Smith had a daughter by name Agnes, who died prior to the decease of her father, leaving a husband, named Ernoch Waltz, surviving her who is an adult & who resides in Frederick County, Maryland, and two children Charles and Galen J. Waltz, who are both infants under the age of twenty one year, now residing in Frederick County, Md.

5th Int. - He did I look at "Exhibit No 1," and "Exhibit No 1" to answer of Ernoch Waltz," now here shown me. He owned, at the time of his death all the property described in "Exhibit No 1," except that described in "Exhibit No 1, to answer of Ernoch Waltz" which he disposed of during his life time

6th Int. - Said real estate is not susceptible of division amongst the parties interested and cannot be so divided, without loss and injury. It consists of fifty Acres of Land and one set of build ings, situated about the centre of said Land and air worth about as much as the Land itself, and, if said real estate is divided, the portions or parcels would be too small for advantageous cultivation, or sale

examined
 is now
 ed to
 ' of the
 and
 mission
 and
 any of
 Frederick
 same
 head as
 ' name
 y of
 the said
 ' of the
 ne and
 testi
 "Exhibit-
 te same
 Answer
 ut, which
 deuck
 in the
 y have
 ick Com-
 ' name