

No. 4503 Equity

7th sub. It would be for the benefit and advantage of all parties interested, adults as well as infants, that said Real Estate should be sold, and the proceeds thereof distributed amongst the parties entitled, according to their several interests, for the reasons given in my answer to the last preceding Interrogatory, and for the further reason that the property is daily depreciating in value. It is worth about \$2,500

Testimony  
of  
Ephraim Stone

Ephraim Stone, a witness of lawful age produced upon the part of the Complainant, being duly sworn and examined to Interrogatories filed with the Commission by the Complainant and herewith returned deposes and says, to the

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

2d Int. I was, he is dead He died in Frederick County, Maryland, during the month of July, 1875.

3d Int. He left a widow named Catherine E. Smith, aged, about 70 years, who now resides in Frederick County, Ind.

4th Int. He did He left a son William Henry Smith, whose wife's name is Eliza, adults, and residing in Frederick County Maryland. A daughter Margaret Ann Smith, unmarried, adult, and residing in Frederick County, Maryland. A son George S. Smith, whose wife's name is Margaret, adults and residing in Frederick County, Maryland; A daughter Sarah E. wife of William Chipley, adults and residing in Frederick County Ind; A son Daniel S. Smith, whose wife's name is Mary, adults and residing in Frederick County, Maryland; A son Charles S. Smith, unmarried adult and residing in Frederick County, Maryland; A daughter Barbara Ann Smith, unmarried, adult and residing in Frederick County Maryland; A daughter Mary E. Lechler, a widow, adult & residing in Howard County, Maryland

Said Charles Smith, deceased, had a daughter named Agnes, who died prior to his decease, leaving a husband, named Enoch Waltz adult and residing in Frederick County, Maryland, and two children, Charles and Calvin J. Waltz, both infants under the age of twenty-one years, and both residing in Frederick County, Maryland

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

6th Int. Said real estate is not susceptible of advantageous division among the parties interested. It consists of fifty (50) acres of land improved by one set of buildings, situated about the centre of said farm. Said buildings are worth about as much as the land. Said real estate, if divided, would have to be cut up into parcels, which would be too small for advantageous cultivation or sale.

7th Int. It would be for the benefit and advantage of all the parties interested, adults as well as infants, that said real estate should be sold, and the proceeds thereof be distributed amongst the parties entitled. The property is daily depreciating in value. My reasons are the same as I have assigned in my answer to the last preceding Interrogatory. Said Real Estate is worth about \$2,500

Whereupon, there being no other witnesses present to be examined and no further line being required for the production of evidences, the Commission closed the said Commission and herewith returned the same

Decree  
Real