

No 4524 Equity

Testimony
of
Herrin Bentz

The lands therein described are the same of which the said John Klegrange and Elizabeth Klegrange died seized and possessed
3d Int. — Yes sir; they are dead. They died on the property. Elizabeth Klegrange died in November 1869 and John Klegrange died on the 17th day of March 1879

4th Int. — They left the following children, namely, John A. Klegrange married to Thebe Michael, George W. Klegrange, married to Ella Wolfe, David J. Klegrange, married to Josephine Hoffman, Catharine, wife of Henry Bentz, Elizabeth, wife of Aaron David; Nathaniel C. Klegrange, married to Elizabeth Cogley, Daniel W. Klegrange, whose wife's name is Prilla, and Ann Rebecca Klegrange who died since the death of her mother Elizabeth Klegrange, deceased, leaving an illegitimate child named Sarah Ann, who is now the wife of Charles Funk, all adults, and all residing in Frederick County, Maryland, except George W. Klegrange, who resides at Martinsburg, W. Va., Nathaniel C. Klegrange, who resides at Berkeley Springs, W. Va., and Daniel W. Klegrange, who resides in Baltimore City, Maryland.

5th Int. — Said lands cannot be divided equally among the children of John Klegrange and Elizabeth Klegrange, without loss and injury, because there are eight children, & if divided, the parcels would be too small for advantageous cultivation, or sale. Said farm is composed of different parcels, the title of some of which was in John Klegrange, and some in Elizabeth Klegrange, his wife, and some of the land lies by itself, entirely cut off from the farm, and it would be for the benefit and advantage of all the parties concerned, that the farm should be sold in one parcel.

If the Executors of the Will of John Klegrange were to sell, they could sell only his undivided interest in the land. The legatees under the will of John Klegrange and the heirs at law of Elizabeth Klegrange, with the exception of Sarah A. Funk, are the same parties. It would be to their interest and advantage of all the parties in interest, that the whole land should be sold under a decree of a Court of Equity, rather than be sold under different powers and by different parties. It will be for the benefit and advantage of all parties interested, that the said real estate should be sold under a decree of this Court and the proceeds thereof distributed among the parties entitled, according to their respective interests.

Henry M. McDorf, a witness of lawful age, produced upon the part of the Complainants, being duly sworn & examined to Interrogatories filed with the Commissioners by the Complainants and herewith returned, deposes and says to the

Testimony of
H. M. McDorf

1st Int. — I have known all the parties to this suit for some years.

2d Int. — I do. I look at Exhibits Nos 2 3 4 5 6 7 & 8; now here shown me: Said Exhibits correctly describe the real estate of which the said John Klegrange and Elizabeth Klegrange died seized and possessed.

3d Int. — Yes sir. They are dead. They both died on the property. Elizabeth Klegrange died in November 1869, and John Klegrange died on the 17th day of March 1879.

4th Int. — They left the following children, namely, John A. Klegrange, who married Thebe Michael, George W. Klegrange, who married Ella Wolfe; David J. Klegrange, who married Josephine Hoffman; Catharine who married Henry Bentz,