

No 11118 Equity

and state how long you have known them & each of them?

Ans. - I know all the parties & have known them for some years. I am one of the Co-plainants in this case.

2d Int. - Were you acquainted with a certain Eli Horner, formerly a resident of Frederick County? If yes, is he dead or alive? If dead, when and where did he die? Was he an intestate or testate?

Ans. - I was. He was my father. He died in November 1878, in Frederick County, in testate.

3d Int. - Did the said Eli Horner leave a widow and children surviving him, and, if yes, state their names, ages and present places of residence, and if any are married, state to whom?

Ans. - He died leaving a widow named Sophia Horner, residing in Frederick County, Maryland, and children as follows, namely Ann Maria, wife of William B. White, adult and residing in Adams County, Penna.; Harriett, wife of Smith Parr, adult, and residing in Adams County, Penna.; Sarah Jane McAlhenny, widow of Robert McAlhenny, deceased, adult, and residing in Adams County Penna., and Benton Mc Horner, dependent, an adult, married to Caroline Wright and residing in Adams County, Penna. These are the children by his second wife, he left no children by his first wife Louisa, wife of John Agnew, age unknown to dependent, and residing in Frederick County, Maryland; Lucinda Horner, an infant, under the age of twenty one years, and residing in Frederick County, Md and Mary Horner, an infant, under the age of twenty one years, and residing in Frederick County, Maryland.

4th Int. - Are you acquainted with the lands whereof the said Eli Horner died seized, and possessed? If yes, look at the papers now shown you marked "Exhibits Nos. 1, 2 & 3". Is, or is not said property therein fully described?

Ans. - I look at Exhibits Nos. 1, 2 & 3, now here shown me: It is, except as to a small portion sold to Alward Agnew, as appears by Exhibit No. 4.

5th Int. - Can or not the said lands mentioned and described in the exhibits shown you, be divided equally among the children of said Eli Horner, deceased, without loss and injury? If no, state fully your reasons for this opinion, you entertain on this subject?

Ans. - I think the cannot be divided advantageously. Some of the Land is pretty good, and some is poor. The Gauble farm, consists of about one hundred and sixty three (163) acres of Land; taking off any portion of that, would destroy its value as a farm. The other farm that Alexander Horner, resides on, has two dwellings and a barn. These buildings are near the edge of the farms, and are of unequal value in themselves. If you were to attempt to divide this farm, with buildings on each part of a division, it would make it very long and injure its value. The mountain land is very small in quantity, and could not be divided.

6th Int. - Would it, or not, be to the advantage of all the parties interested, infants, as well as adults, that the real estate in these premises mentioned, be sold, and the proceeds be divided among the parties interested, according to their several interests? If yes, state the reason you entertain on this subject?

Ans. - I think it would be to the advantage of the heirs, to have the property sold. The property has been depreciating for some years, and it would be better that it should be sold.

Testimony  
of  
Newton M. Horner