No. 4194 Equity

Mary McMerritt and others, as Defendants, I, William R. Nelson, Commissioner therein named, do on the 21st day of May, A.D. 1877, at my office in Frederick City, Maryland, in the absence of John E. R. Ford, Commissioner &c, but in the presence of the Solicitor for the Complainant, then & there, proceed to take the following testimony, to wit:

The Complainant filed with the Commissioner as Evidence "Exhibits A & B" which are herewith returned by the said Commissioner.

James A. Elder, a witness of lawful age, produced upon the part of the Complainant, being duly sworn & examined to Interrogatories filed with the Commissioner by the Complainant & herewith returned, deposes and says,

to the

1st Int. — I know all the parties to this suit

2d Int — I look at Exhibit A, now here shown me. I know the property. It is situate in Emmittsburg District Frederick County, Md.

3d Int. — He is dead. He died on the 7th day of September A.D. 1875

4th Int — He died intestate.

5th Int. — He left a widow named Mary Jane McMerritt, and the following children, to wit. Mary, James, Peter, Joseph, Harry and John McMerritt

6th Int. — They are all infants under the age of twenty one years

7th Int. — I don't think it can.

8th Int. — It would be for the benefit & advantage of all the parties concerned that said real estate should be sold & the proceeds thereof distributed amongst the parties interested. Said real estate consists of a narrow strip of Land over a mile in length, & is a portion of the "Home" Farm of 491 Acres, the bulk of which is situate in Adams County, Pennsylvania, which said portion situate in Adams County, Penn^a has been decreed to be sold. If divided, the parcels would be too small for advantageous cultivation or sale.

Joseph Byers, a witness of lawful age, produced upon the part of the Complainant, being duly sworn & examined to Interrogatories filed with the Commissioner by the Complainant & herewith returned, deposes and says.

To the

1st Int. — I know all the parties to this suit

2d Int. — I look at "Exhibit A" now here shown me. I know the said property. It is situate in Emmittsburg District, Frederick County, Maryland

3d Int. — He is dead. He died on the 7th day of September A.D. 1875.

4th Int. — He died intestate.

5th Int. — He left a widow named Mary Jane McMerritt & the following children to wit: Mary, James, Peter, Joseph, Harry and John McMerritt.

6th Int. — They are all infants under twenty one years of age.

7th Int. — I don't think it can.

8th Int. — I think it would be for the benefit and advantage of all the parties interested, that said real estate should be sold and the proceeds thereof distributed among the parties entitled. Said real estate consists of a narrow strip of Land, being a part of the "Home" farm the bulk of which is in Adams Co Penn^a & has been decreed to be sold — if divided the portions would be too small for advantageous cultivation or sale.