

## No. 4534 Equity

dead. She died in Johnsville, Frederick County, Maryland; intestate

5th Int: She died seized and possessed of about thirty nine and a half (39½) acres of Land, situated in Frederick County, Maryland, about two miles and a half from Mt. Pleasant, and with front to fifteen dollars per acre.

## Testimony

6th Int:— I look at Exhibits Nos. 1 & 2 now here shown me said Exhibits, correctly describe the real estate of which the said Alexander Warfield died seized and possessed with the exception of the portion described in Exhibit No. 6, now here shown me which was conveyed by him to Ellen Baker.

7th Int They were, of about One hundred and twelve (112) Acres, adjoining the thirty nine and a half (39½) acres, and with twenty dollars per acre. I look at Exhibits Nos. 4 & 5, which, correctly, describe the said Real Estate.

8th Int:— She died, convey to George W. Tyler, One acre, three Rods, and some perches of Land, described in Exhibits 4 & 5, I look at Exhibit No. 7 now here shown me: That describes the portion conveyed to George W. Tyler.

9th Int:— Yes, sir.

10th Int: She died seized and possessed of One Acre and eight perches of Land, conveyed to her by George W. Tyler. I look at Exhibit No. 8, now here shown me, and that describes the land so conveyed to her by George W. Tyler.

11th Int:— I have I as to this deponent.

12th Int:— He left legal heirs as follows, namely, Leornora a daughter, who is now a widow and residing in Montgomery County, Maryland. Owen P. Warfield a son who has since died, leaving a widow, Mary J. Warfield, who has since intermarried with Samuel J. Baker, and he also left a son, Samuel Warfield, an infant who now resides with his mother in the State of Ohio:— Mary Catharine Warfield, a daughter adult, and residing in Frederick County, Maryland. Jennie, a daughter, wife of George N. Tapp, adults, and residing in Frederick County, Maryland. Rachel Joanna a daughter, wife of Charles J. Grimes, adult and residing in Frederick County, Maryland. Sarah Matilda, a daughter, adult, wife of Albert Roberts, and residing in New Jersey and Lloyd A. Warfield, a son, whose wife's name is Mary Ellen Warfield, adults, and residing in Frederick County, Maryland.

13th Int:— She did. She left the same heirs at law as the said Alexander Warfield, her husband, with the exception of Owen P. Warfield, who died before his mother Eliza A. Warfield, leaving the said Samuel Warfield as his only child.

14th Int:— The whole is now one tract, containing about One hundred and fifty acres.

15th Int:— Said Real estate is not susceptible of division amongst the parties interested without loss and injury; because it is not so located as to be adapted to a division of it among the parties interested, without loss and injury.

16th Int:— It would be for the benefit and advantage of all the parties interested, infants as well as adults, that the said real estate should be sold, and the proceeds distributed amongst the parties entitled, because there is no person to keep the property up. Some of the heirs are in different States, and there is no person authorized to take charge of it.

17th Int:— The said Alexander Warfield left a will of which Exhibit No. 3 now here shown me is a copy.

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