

No 4292 Equity

except Ellen Laura Horn, who is now in possession of it
15th Int. - The understanding was, when Exhibit No. 11 was made, that W. Benjamin L. Johnson was to be repaid out of the proceeds of sale, all the funeral expenses, taxes, and bills which said W. Benjamin L. Johnson had paid.

W. Benjamin L. Johnson, a witness of lawful age, produced up on the part of the Complainant, being duly sworn & examined to interrogatories filed with the Commissioner by the Complainant, & herewith returned, deposes & says, to the

- 1st Int. - I know all the parties and have known them for some time.
- 2d Int. - I was, she died in Frederick County, Md., about the year 1866
- 3d Int. - She was I look at Exhibit No. 11, now here shown me. Said Exhibit contains an accurate description of said land.
- 4th Int. - She left a husband, named Isaac Evans, aged about 70 years.
- 5th Int. - She left four children surviving her, viz Sarah H. a daughter, the wife of Benjamin F. Johnson, both adults, & residing in Frederick County, Md., a son Lloyd Evans whose wife's name is Frances, both adults & living in West Virginia; A daughter Ellen Laura, who married Samuel H. Horn, who died about a year ago, adult and residing in Frederick County, Md., and a daughter Mary who died unmarried about seven years ago in the
- 6th Int. - She was indebted to Mr. Hardy for medical attendance during her last sickness & I paid said bill & now hold the same against her estate Exhibit No. 1, is the receipt therefor.
- 7th Int. - She was possessed of very little personal property, not more than \$8 or 10 worth. There was no administration on her estate.
- 8th Int. - She left no will
- 9th Int. - I paid them to the extent of Exhibits Nos. 1, 2, 3 & 4 & I still hold them against the estate.
- 10th Int. - I paid some of the taxes on the estate, as appears by Exhibits 5-6-7-8 & 9. The property had been previously sold for taxes & I redeemed it for the benefit of the estate. The whole cost of Redemption was \$9.00
- 11th Int. - I look at Exhibit No. 10 - now here shown me. The signatures thereto, attached were made by the parties whom the said Exhibit represents them to be made, in the presence of the Plaintiff and John H. Toms
- 12th Int. - John H. Toms, advertised the property at Public Sale, & he incurred, costs in doing so, amounting to \$4 & he was to be paid \$15 for his services. He sold the property for 275 \$ which was a good fair price for it, but Ellen Laura Horn, who was in possession of said property, at the time, refused to execute a deed, as required by Exhibit No. 10, & she has since refused to execute any reasonable sale, although often requested to do so & now occupies the property & refuses to pay any rent for the same.
- 13th Int. - Said real estate is not susceptible of advantageous division among the parties interested, as, if divided the parcels would be too small for advantageous cultivation or sale. The said real estate, consists of one & three fourths acres of land, improved by a log dwelling house.
- 14th Int. - It would be for the benefit & advantage of all parties concerned, to sell said real estate & after paying all claims against the said estate to distribute the proceeds amongst the parties entitled because the property is daily depreciating in value, & nobody getting any benefit from it, except Ellen Laura Horn, who is now in possession of it.
- 15th Int. - The understanding was, when Exhibit No. 10 was made, that I was to be repaid out of the proceeds of sale, all the funeral expenses, taxes & bills which I had paid.

Testimony of Wm. F. Johnson,

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