

No 4653 Equity.

- To 13th Int. There is now One hundred and thirty six or seven acres in the farm. There was One hundred, and forty, but three or four acres was sold to the Cemetery Company. It is worth seventy five or eighty dollars per acre.
- To 14th Int. The said Land, could not be divided among the parties without loss and injury. It is a small farm, with a large house on one part of it with all the ⁷buildings. It would cut up into parcels too small for advantage, cultivation or sale.
- To the 15 Int. It would be to the interest and advantage of all the parties infants and adults to sell said real estate and divide the proceeds. As it cannot be divided as I stated in my last answer. It would have to be sold or be rented out. If sold it would be unproductive and if rented it would have to be kept in repair, and would depreciate in value, and if sold and the proceeds invested it would yield more to each than the land would if rented out.

Egza Shefer, a witness of lawful age produced on the part of the Complainant, being duly sworn and examined to Interrogatories filed with the Commissioner by the Complainant and herewith returned, deposes and says,

- To 1st Int. My name is Egza Shefer. I am 57 years of age and reside in Dentonville, Frederick County, Maryland.
- To 2d Int. I am acquainted with the parties to this suit, and have known them for many years.
- To 3d Int. John H. Garrett is dead. He died about A. D. 1843. He did not testate.
- To 4th Int. John H. Garrett was seized and possessed of valuable Real Estate situated in Frederick County, State of Maryland.
- To 5th Int. He left a widow Matilda Garrett, a son Mr. John E. Garrett and a daughter Olivia, who was at the time the wife of Oscar P. Crompton.
- To 6th Int. Mr. John E. Garrett and his sister were married. Anne R. Garrett was the wife of John E. Garrett, and Oscar P. Crompton was the husband of Olivia his sister.
- To 7th Int. Mr. John E. Garrett and Olivia Crompton are both dead. Mr. John E. Garrett died in March A. D. 1880, and Mrs. Olivia Crompton died in about A. D. 1865.
- To 8th Int. Olivia Crompton left three children surviving her as follows, John H. C. Crompton who is about twenty three years old, Martha M. Crompton who is about twenty years of age and Benjamin E. P. Crompton who is about eighteen years of age. They all reside in Frederick County State of Maryland.
- To 9th Int. The widow of John H. Crompton is dead. She died in December A. D. 1880.
- To 10th Int. There was a division of the Real estate of John H. Crompton, made between his widow Matilda Garrett, Mr. John E. Garrett and Olivia Crompton. It was made shortly after his death.
- To 11th Int. I look at the papers now handed me marked Exhibits G, B, C, D, and W. H. H. They describe that part of the Real estate of John H. Garrett, as bequeathed to Mrs. Matilda Garrett as dower. W. H. H. as the survey showing the boundaries of the above land.
- To 12 Int. I look at papers now shown me marked Exhibits H, I, J. said papers describe the interest of Mr. John E. Garrett in and to the said above land. He mortgaged it to David Smith who sold it under the Mortgage to Mrs. Matilda Garrett, who sold it Anne R. Garrett.

Testimony of
Egza Shefer