

No. 11652 Equity

Testimony

To 13th Int. There is in the farm now about One hundred and thirty six or seven acres of Land, which is worth seventy five or Eighty dollars per acre.

To 14th Int. It could not be divided, among the heirs without loss and injury to all the parties. It is too small to divide, and the situation of the Buildings and location of the farm render a division impossible without loss and injury.

To 15th Int. It would be to the interest and advantage of the parties, the infant as well as the adults to sell the said Real estate and divide the proceeds, because the lands can't be divided as I said, and if rented the property would depreciate in value and the building would decay, and the money invested would yield more than the land if rented.

William H. Helleary, a witness of lawful age produced on the part of the Complainants being duly sworn and examined to satisfactory facts filed with the Commissioner by the Complainant and herewith returned, deposes and says.

To 1st Int. My name is William H. Helleary. I am fifty nine years of age and reside in Frederick County, State of Maryland I am a surveyor and deputy clerk.

To 2d Int. I am acquainted with the parties to this suit, and have known them for many years.

To 3d Int. I did of lower lands of Mrs Matilda Garrett I look at papers now shown me marked Exhibits G B, E. S and W H H. These Exhibits describe the said lower lands. W H H. is the Plat showing the survey and boundaries of said lower land It was made by me on December 4th 1863.

Testimony

To 4th Int. The was originally One hundred and forty acres in the lower Land, but there has been three or four acres sold off to the County. It is worth about seventy five or Eighty dollars per acre.

To 5th Int. The said land, cannot be divided without loss and injury by reason of its size, its situation and the location of buildings on the land, and it would be to the interest and advantage of all the parties to sell the land and divide the proceeds.

There being no other witnesses present to be examined, and neither party desiring further time for the production of their evidence the closed the said Commissioner and herewith returned the same under his hand and seal this Twenty eighth day of January A D. 1881.

J. E. R. Wood (Seal)

Costs of Commission		
J. E. R. Wood	Commissioner fee)	\$ 12.00
J. S. B. Hartsock	(Sheriff fees)	1.20
O. P. Crampton	Witness	2.15
Egna Sifer	Witness	2.15
Wm H. Helleary)	75
Total Cost		\$ 18.25

Filed May 29, 1881

J. E. R. Wood (Seal)

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