No. 4723 Equity

under twenty-one years of age, except Martin T. Bussard, who is an adult, and all reside in Frederick County, Maryland.

4th Int. — He died intestate

5th Int. — He was. I am acquainted with the Real Estate of which he died seized and possessed. I look at "Exhibits Nos "1", "2", "3", "4", "5", "6", "7", "8", "9", "10", "11", "12", "13", "14", "15", "16", "17" & "18", now here shown me. Said Real Estate is therein described. Part of the Land described in "Exhibit No. 4" had been sold by Samuel M. Bussard, in his lifetime, to Adam Kellaugh.

The Complainant here filed with the Commissioner as Evidence "Exhibits Nos "1", "2", "3", "4", "5", "6", "7", "8", "9", "10", "11", "12", "13", "14", "15", "16", "17" and "18", which are herewith returned by the Commissioner

6th Int:— It cannot be divided among the parties interested, equally, without loss and injury. It would be for the benefit and advantage of all the parties interested, infants as well as adults, that said real estate should be sold and the proceeds distributed among the parties entitled according to their respective interests. It consists of various small tracts of Land, some adjoining each other and some separate and at some distance apart. It would be utterly impossible to divide it equally into seven parts

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Testimony of Jos. O. Hays.

John O. Hays, a witness of lawful age produced upon 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 the

1st Int. — I know them all and have known them for many years.

2d Int:— I was. He is dead. He died in July, 1881 in Hauver's District, Frederick County, Maryland.

3d Int:— He left children as follows, to wit: Martin T., George A, Samuel Peter, Margaret C, Martha A, John H, and Ira B Bussard, all infants under the age of twenty-one years, except Martin T. Bussard, who is an adult, and all residing in Frederick County, Maryland.

4th Int:— He died intestate.

5th Int. — He was. I am acquainted with the Real Estate of which he died seized and possessed. I look at "Exhibits Nos. "1", "2", "3", "4", "5", "6", "7", "8", "9", "10", "11", "12", "13", "14", "15", "16", "17" & "18", now here shown me. Said real estate is therein described. A part of the land described in "Exhibit No. 4", had been sold by Samuel M. Bussard, during his lifetime, to Adam Kellaugh.

6th Int:— It cannot be equally divided, amongst the parties interested without loss and injury, and it would be for the benefit and advantage of all the parties concerned, that the said real estate should be sold and the proceeds thereof distributed among the parties entitled, according to their respective interests Said real estate consists of various tracts of land, some adjoining each other, and some separate and at a distance from the others.

It would be utterly impossible to divide said real estate so as to make it equal.

Whereupon, there being no other witnesses present to be examined, and no further time being required by the Complainant for the production of Evidence, the Commissioner closed the said Commission and herewith returns the same under his hand and seal this 28th day of September, A. D. 1881.

William B. Nelson (Seal)
Commissioner