

No. 4710 Equity

7. State whether said Real Estate, after so much thereof is sold, as is necessary to pay the debts of said decedent can be advantageously divided among the parties interested and state your reasons for the opinion you entertain on this subject?

Edwinton O. Heedy  
Solicitor for Complainant.

The execution of the annexed Commission issued out of the Circuit Court for Frederick County, sitting as a Court of Equity, and directed to J. E. R. Wood and Wm. B. Nelson (Commissioners) therein named, and empowering them or either of them to examine Evidence, in a cause depending in the said Court between Wm. E. Patten as Complainant, and William P. Wise, and Susan Wise his wife and others, defendants. I, John S. R. Wood, one of the Commissioners named in the said Commission having met at my Law Office in Frederick City, State of Maryland, pursuant to previous notice thereof given, did then, and there proceed to take the following testimony, to wit

The Complainant filed with Commissioners as Evidence, Exhibits No. 1 and A  
The Commissioners then proceeded to take the following depositions to wit

Testimony of  
Wm. P. Wise

William P. Wise, a witness of lawful age produced in the part of the Complainant, being duly sworn and examined to Interrogatories filed with the Commissioners by the Complainant, and herewith returned, deposes and says,

To 1st Sub. I was acquainted with Sarah Wise she was my mother. She is dead She died April 19th 1881, at Belton Frederick County Maryland She died intestate.

To 2nd Sub. She was seized and possessed of Real Estate. I look at papers shown me marked Exhibit No. 1. The property is described in said deed It is worth about Three hundred Dollars.

To 3rd Sub. She did not leave a husband surviving her

To 4th Sub. She did leave children surviving her. She left a son Wm. P. Wise (deponent) Adult, married, and the name of whose wife is Susan Wise, a son Henry O. Wise, who is an adult, married, and the name of whose wife is Alice Wise, a son Josephus H. Wise, who is an adult, married, the name of whose wife is Susan Wise, a son Samuel M. Wise, an adult, married, and the name of whose wife is George Ann Wise, a daughter Amanda E., an adult married whose husband is Jacob Knapp Jr, a daughter Elmina R. Wise who is an adult and unmarried.

The said Sarah Wise also had a son Lewis O. Wise, who died before said Sarah Wise and left surviving him three children as follows, Elvora an adult married to Joseph Smith, a daughter Florence Wise, who is an adult, unmarried and Charles Wise who is an unmarried Adult. The said Elvora Smith died since filing her answer She died December 27th, 1881, leaving surviving her said husband Joseph Smith and three infant children whose names are unknown to the deponent.

All of these parties reside in Frederick County, Maryland, except Samuel M. Wise and George Ann Wise who reside in the State of Ohio

To 5th Sub. I look at Exhibit A, It is the Rector's Bill. It is a just and true account I believe as Sarah Wise made her home with me, I know about it

To 6th Sub. Sarah Wise left no personal property.

To 7th Sub. The Real Estate of said Sarah Wise could not be divided, It is too small. It is only a house and lot, and could not be divided at all It will be to the interest and advantage of all the parties, infants and adults, to sell the property, and divide the proceeds among those interested after paying the debts due