

No. 4758 Equity.

And also the County and State in which the same is located?

4th Int. State the value and quantity of the said Real Estate and of what the same consists?

5th Int. Can the said Real Estate be divided among the parties to this suit without loss or injury? And is it for the benefit and advantage of all parties to this suit to sell the same?

6th Int. State the facts and circumstances which show that it would be for the benefit and advantage of all parties to this suit that a decree for a sale should be made?

Carlton Shafer

Sol. for Compl't.

Filed

At the execution of the annexed Commission, issued out of the Circuit Court, for Frederick County, sitting as a Court of Equity, I to me directed, and empowering me to examine Evidences in the cause therein depending, between Ida A. Spargo, as Complainant, and John N. Spargo, William Spargo and Grace S. Spargo, as Defendants, I William B. Nelson, Commissioner therein named, did, on the 10th day of February, A. D. 1882, at my Office in Frederick City, Maryland, then and there proceed to take the following testimony, to wit:

The Complainant filed with the Commissioner as Evidence "Exhibit S" which is herewith returned by the said Commissioner.

John Peter Jones, a witness of lawful age, produced upon the part of the Complainant, being duly sworn & examined to Interrogatories filed with the Commissioner by the Complainant, and herewith returned, deposes and says, to the

1st Int:— I am. I have known them all a number of years.

Testimony

2d Int:— I was. The father's name was John N. Spargo, and the mother's name was Rachel A. Spargo. Both are dead. John N. Spargo died in 1868 & Rachel A. Spargo died in November, 1880, in Frederick County, Maryland. They left the following children surviving them, namely: Ida A. Spargo, John N. Spargo, William Spargo and Grace S. Spargo, all infants under twenty-one years, except Ida A. Spargo, who is an adult, and all residing in Frederick County, Maryland.

3d Int:— I look at "Exhibit S", now here shown me. I do. Said Exhibit correctly describes the real estate of which the said John N. Spargo died seized and possessed. Said Real estate is situated in Frederick County, Maryland.

4th Int:— It consists of a Log Dwelling House, and a Store house located on about a quarter of an acre of land, and is worth about six or seven hundred dollars. (600<sup>ff</sup>, or 700<sup>ff</sup>)

5th Int:— Said Real estate is not susceptible of equal division amongst the parties interested, without loss and injury, and it would be for the benefit and advantage of all parties concerned, that said real estate should be sold, and the proceeds thereof distributed amongst the parties entitled according to the respective interests.

6th Int:— The property is daily depreciating in value and the sooner it is sold the better. If sold and the proceeds are judiciously invested, it will yield a larger income to the infants than can possibly be realized from the rent of said real estate after paying taxes and repairs and so forth.