

No. 4941 Equity

parties interested in the same without loss and injury, and would or would it not be to the interest and advantage of all interested that the said property be sold and the proceeds divided among the parties interested in the same State fully all your knowledge herein

6. Do you know or can you state any other matter or thing which may be of benefit or advantage to the parties to this Cause or either of them or that may be material to the subject of this your examination in the matter in question between the parties of yea, State the same fully and at large in your answer.

Filed with the Examiner April 25. 1874

Clayton O'Keedy Examiner.
Estalina Dallett and others
vs

Maria Brock, widow, Emily L Howell, widow and Emily Howell and Henry Howell

Charles W Ross
Atty for Plffs.
No 4941 Equity
In the Circuit Court for
Frederick County
Sitting as a
Court of Equity

In pursuance of the annexed orders of the Court and notice given me by the Solicitor for the Plaintiffs in the above entitled cause, I, Clayton O'Keedy one of the regular Examiners of said Court having fixed Friday the twenty fifth day of April A.D. 1874 at my office in Frederick City as the time and place for taking testimony in this cause, and having given due notice thereof to the parties concerned did then and there proceed to take the following testimony to wit: The Plaintiffs filed with the Examiner as evidence Exhibit No 1. which is herewith returned by the Examiner.

Henry C Dallett a witness of lawful age produced on the part of the Plaintiffs being duly sworn and examined to Interrogatories filed with the Examiner and herewith returned, deposes and says,

To the 1st Interrogatory

1st Ans. I know all the parties to this Cause and have known them for some years.

To the 2nd Inter

2nd Ans. I know the defendants Emily and Henry Howell. They are infants under twenty one years of age and reside with their mother in West Philadelphia in the City of Philadelphia in the State of Pennsylvania

To the 3rd Inter

3rd Ans. I know the defendants Maria Brock widow Jonathan Brock and Emily L Howell the widow John Howell. The former is aged about 65 years and the latter is and about forty years of age.

To the 4th Inter.

4th Ans. I am acquainted with said property. I look at Exhibit No 1. and said Exhibit does describe the same.

To the 5th Inter

5th Ans. The said property can not be divided among the parties interested without loss or injury and I think it will be to the interest of all the parties concerned in it that it should be sold and the proceeds divided among them. The reasons for my answer are these, that the property originally belonged to the New London Copper Mining Company which failed and this property was bought in at Sheriff's sale by Simon Pory in his own name but for the benefit of some of the original Stockholders in the said Company Pory subsequently conveyed this property to the parties entitled in the proportions to money furnished by them which were of unequal amounts and consequently the property which consists of only about thirty acres with mining rights is entirely incapable of being divided among those interested in it, and according to their proportions respectively.

To the 6th Inter

6th Ans. I know of nothing further

Signed H. C. Dallett Jr